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DDCI Briefing Package re: Resolution 454

20 May 1992

B-414-P-IR

DDCI

~~SECRET~~

HEARING ON H.J. RES. 454

THE ASSASSINATION MATERIALS DISCLOSURE ACT

OF 1992

~~SECRET~~

HOW TO BETTER DO THE REVIEW OF MATERIALS

- INITIAL REVIEW NOW BY ORIGINATING AGENCY TO SEEK VS RELEASE
- DOCUMENTS NOT RELEASED WOULD BE LOOKED AT BY REVIEW BOARD
- DISPUTES COULD BE RESOLVED BY THE PRESIDENT OR HIS DESIGNEE
- WOULD REDUCE MATERIAL GOING BEFORE THE BOARD.

PROBLEMS POSED BY THE JOINT RESOLUTION

WITH REGARD TO THE REVIEW BY ACTIVITIES

(5)

- VESTING IN OUTSIDE BODY DETERMINATION TO RELEASE CIA MATERIAL IS INCONSISTENT WITH DIRECTORS STATUTORY RESP. TO PROTECT SOURCES & METHODS
- JOINT RESOLUTION HAS NO PROVISIONS REQUIRING SECURITY CLEARANCES
- DOES NOT PROVIDE CIA/IC WITH OPPORTUNITY TO OBJECT TO RELEASE OF [redacted] INTEL/CIA INFO CONTAINED IN DOCUMENTS ORIGINATED BY CONGRESS OR THE WARREN COMMISSION.
- 30 DAY APPEAL PERIOD MAY NOT PROVIDE TIME FOR MEANINGFUL REVIEW
- MAKES NO PROVISION FOR POSTPONING RELEASE OF DOCUMENTS THAT MAY CONTAIN EXEC. PRIVILEGE, DELIB. PROCESS, ATTORNEY-CLIENT OR ATTORNEY-WORK PRODUCT INFO.

POSTPONEMENT ISSUES

- DELIBERATIVE PROCESS & OTHER PRIVILEGES RECOGNIZED IN LAW BE ADDED TO LIST OF REASONS FOR POSTPONEMENT
- IDENTITIES OF COVERT EMPLOYEES PAST AND PRESENT BE COVERED

WORK AROUNDS - WHERE INFO CAN'T BE DISCLOSED IN ORIG FORM - IT WILL BE REDACTED SUMMARIZED

DOCUMENTS REDACTED, SUMMARIZED AND KEPT CLASSIFIED CAN BE REVIEWED BY CLEARED GROUP OF DISTINGUISHED AMERICANS OUTSIDE GOVT.

JFK MATERIAL STATS — [redacted] NSA – 50 BAGS (PRIM. TO WARREN COMMISSION) @ HUNT, HOUSE ASS. COMM
STATE (INR) – HAS 1 DRAWER (2 CU FT) 2/3 ORIG BY FBI/CIA

MANGOOSE, AMLASH, GILBERTO LOPEZ — DOCUMENTS ON THE TOPICS ARE PRESENT IN ASS. MATERIAL HOLDINGS. WILL BE AMONG THE FIRST TO BE REVIEWED

OSWALD FILE TRANSFER TO ARCHIVES — 11 CIA DOCUMENTS TR TO ARCHIVES – 4-5 ALREADY DECLASS. | @ 7 NEW DOCUMENTS. FILE FROM PERIOD BEFORE THE ASSIMILATION

NEWLY CREATED DOCUMENTS – — PLACE IN OSWALD FILE – ONLY OPEN FILE – SMALL # OF DOCUMENTS

HELMS IG REPORTS TO PRES. JOHN. (ASS. ATTEMPTS
- IS INCLUDED IN THE HSCA MATERIAL
- HAS NEVER BEEN MADE PUBLIC
- WAS AVAIL IN SANITIZED FORM (BUT STILL CLASSIFIED) TO ROCKEFELLER COMM & CHURCH COMMITTEE + HSCA
- WILL BE REVIEWED FOR RELEASE SOON; CANNOT PREDICT WHETHER IT WILL BE RELEASED

CLAY SHAW – WAS A CIA SOURCE ON INTERNATL TRADE ISSUES WHEN HE WAS MANAGING DIRECTOR OF THE INTERNATL TRADE MART IN N. ORLEANS – LAST CONTACT W/ SHAW WAS IN 1956 –

KINDS OF INFO WHICH MIGHT NOT BE RELEASABLE – PRIVACY CONCERNS – FITNESS REPORTS | MED EVAL CREDIT CHECKS ON CIA OFFICERS ENTERED IN IN SEQ. FILES

– NAMES OF INDIV. AVAIL WITH PROVIDED INFO ON THE PROMISE OF CONFIDENTIALITY.

CONTACT WITH RUSSIAN KGB

- US EMBASSY CONTACTED THE RUSSIANS IN JAN 92 (FOR ANY INFO THAT WOULD BEAR ON JFK ASSN.
- RUSSIANS REPLY
  - FORMER KGB NEVER EST. CONTACT W/ OSWALD
  - HE WAS NEVER USED IN AN OPERATIONAL CAPACITY
  - KGB HAD NO INFO OSWALD'S INTENTIONS TO ORGANIZE OR TAKE PART IN THE ASSINATION
  - THEY VIEWED THE DATA PRESENTED ON OSWALD ~~[illegible]~~. BY ABC TELE ON 22 NOV 91 HAD BE "PRESENTED IN DETAIL & WITH OBJECTIVITY."

CONTACT - SECURITY MINISTRY OF THE U.S. FEDERATION

IS CIA ASSERTING JURISDICTION

- SIMPLY ASKING THAT CONGRESS REFER TO CIA FOR REVIEW OF CIA INFO IN CONGRESSIONAL DOCUMENTS
  - ASK THE SAME OF EXEC. DEPTS
  - IF WE IN CONGRESS DATA IN OUR DOCUMENTS - WE REFER TO CONGRESS

FOIA

- NO RECORDS OR DOCUMENTS REVIEWED
- 7432 PAGES OF RECORDS REPRESENTING 1,969 DOCUMENTS HAVE BEEN RELEASED

- EACH YR 1989-91 CIA ANSWERED FOIA
- VOLUME OF REQUEST UP BY 37% OVER PAST 5 YRS
- APPEAL & LITIGATION RATES OF RESPONSES IS LOWEST IN GOVT
- STILL HAVE SOME WORK TO DO, BUT AGENCY IS SMALL RELATIVE TO ORGANIZATIONS LIKE DEF.

- FOIA TF JUST CREATED; ATTITUDE WILL FAVOR DISCLOSURE BUT GUIDELINES NOT YET DEVELOPED; MAY BE THEY WILL BE DIFFERENT FOR 30 YR OLD MATERIAL VS MORE CURRENT DATA

- NSA - 17 FOIAS ON JFK (5 STILL OPEN)
  DIA - (EST 1961) HAD A FEW - NOT LOC. RESPONSE DOCUMENTS
  EACH AGENCY HAS ITS OWN PROCEDURES FOR HANDLING FOIA

- What is Bottom line of 9.16 Report to Johnson - no comment
- What if deceased

The 1967 IG report looked at the various Agency plots to assassinate Castro. It did not address whether those plots may have been a factor in the assassination of President Kennedy.

draft

Opening Remarks of Admiral William O. Studeman, USN
Deputy Director of Central Intelligence

Before the Subcommittee on Economic and Commercial Law
Committee on the Judiciary
U.S. House of Representatives
20 May 1992

Mr. Chairman, I am here today at your request to provide our views on House Joint Resolution 454, "The Assassination Materials Disclosure Act of 1992," and to describe the nature of documents held by the CIA that relate to the assassination of President John F. Kennedy. I very much appreciate the opportunity to speak on this important matter. With your permission, I will offer my prepared statement for the record and simply summarize those comments here.

Let me begin, as the Director did last week in testifying on this subject, by emphasizing that I am in complete agreement with the purpose underlying the joint resolution--that efforts should be made to declassify and make available to the public as quickly as possible government documents relating to the assassination of President Kennedy. We hope that opening up and giving journalists, historians and, most importantly, the public access to governmental files will help to resolve questions that still linger over 28 years after the assassination. Further, we believe that

maximum disclosure will discredit the theory that CIA had anything to do with the murder of President Kennedy.

Even before introduction of this joint resolution, the Director recognized the need for greater public access to CIA documents of historical importance. Two months ago, he announced the establishment of a new unit within CIA--the Historical Review Group--that will be responsible for declassifying as many historical documents as possible consistent with the protection of intelligence sources and methods. This unit already has begun its review of the documents related to the assassination of President Kennedy, and the first group of these records, including all CIA documents on Lee Harvey Oswald prior to the assassination, has been declassified with quite minimal deletions and transferred to the National Archives for release to the public. This is but a small fraction of what we have, but it is an indication of our commitment to begin review for declassification of this material immediately.

As we carry out our program to declassify Kennedy assassination documents, our goal will be to release as many as possible. In fact, the Director recently approved new CIA declassification guidelines for our Historical Review Program that specifically direct a presumption in favor of declassification. The Director believes that we can be very forward leaning in making these documents available to the public, and he has instructed the Historical Review Group ~~to take this attitude to heart~~.

To understand the magnitude of the effort involved in reviewing the JFK papers for declassification, it is important to place them in some context. CIA's collection of documents related to the assassination of President Kennedy consists of approximately 250,000-300,000 pages of material. This includes 64 boxes of copies and originals of information provided to the Warren Commission and the House Select Committee on Assassinations and 17 boxes of material on Lee Harvey Oswald accumulated after President Kennedy's assassination. Unfortunately, what we are dealing with is a mass of material that is not indexed, is uncatalogued, and is highly disorganized--all of which makes the review process more difficult. The material contains everything from the most sensitive intelligence sources to the most mundane news clippings.

These records include documents that CIA had in its files before the assassination, a large number of records that CIA received later as routine disseminations from other agencies, as well as the reports, correspondence, and other papers that CIA prepared in the course of the assassination investigations. I should emphasize that these records were assembled into the present collection as a result of specific inquiries received from the Warren Commission or from the House Select Committee on Assassinations.

A preliminary survey of these files has provided us some indications of what they contain. Although the records cover a wide variety of topics, they principally focus on CIA activities concerning Cuba and Castro, Oswald's defection to the Soviet Union, and Oswald's subsequent activities in Mexico City and New Orleans. They also include a large number of name traces requested by the staff of the House Select Committee on Assassinations, as well as material relating to the Garrison investigation and Cuban exile activities.

CIA cannot release a number of documents unilaterally because of the limits in the Privacy Act (which protects the names of American citizens against unauthorized disclosure), the sequestration of many documents by the House Select Committee on Assassinations, and the fact that many of the documents belong to agencies other than CIA. However, we have already taken steps to lift the sequestration, to coordinate with other agencies, and to begin the process of declassification. If necessary, in the absence of legislation, we will ask the House of Representatives for a resolution permitting CIA to release the results of the declassification effort on the sequestered documents. We hope to work with you, Mr. Chairman, to remove any obstacles that might arise in releasing the sequestered documents.

While we expect that a large amount of material can be declassified under our program, I assume that there still will be information that cannot be released to the public for a variety of

reasons, including privacy concerns or the exposure of intelligence sources and methods. In my prepared statement I give examples of this type of material. Where we cannot disclose such information to the public, the Agency will make redactions and summarize the information in order to ensure that the maximum amount of information is released while still protecting the identity of an agent or the privacy of an individual.

If legislation is not passed by Congress and signed by the President regarding the JFK papers, to enhance public confidence and to provide reassurance that CIA has not held back any information relevant to the assassination, the Director has stated that he would appoint a panel of distinguished Americans from outside of government, perhaps including former jurists, to examine whatever documents we have redacted or kept classified. They would then issue an unclassified public report on their findings.

The effort required to declassify the documents related to the assassination of President Kennedy will be daunting. However, it is an important program, and both the Director and I are personally committed to making it work. Even in this time of diminishing resources within the Intelligence Community, the Director has allocated 15 full-time positions to expand the History Staff and to form the Historical Review Group that will review the JFK documents and other documents of historical interest.

I believe these actions attest to the seriousness of our intent to get these papers declassified and released, and to open what remains classified to outside, non-governmental review. It is against this background that, in response to the committee's request, I list in my prepared statement our few technical reservations about the mechanism established by the joint resolution to achieve this same result. These are technical problems that we believe can be solved in ways that will, in fact, expedite the release of documents bearing on the assassination of President Kennedy.

But, again, whatever the future course of this legislation, CIA is proceeding even now to review for declassification the relevant documents under its control. Further, we will cooperate fully with any mechanism established by the Congress and the President to declassify all of this material.

#1 - Stoke

#2 — Panel of govt witness

- Floyd Clarke
- David Leach - DOJ
- Tom Wilson - Crackerjack

5 min statements

Panel @ Htg

Focus on DOJ - 9 pg ltr re Const. obj.

- Nature & extent of CIA
- Concerns w/ dissolution steps (marshal)

Reformation w/new guidelines Can be processing afford.

- CIA documental reviews (principles objects)

- Speakers on theories -

#3 Panel of Scholars — brought to explain Justice

CENTRAL INTELLIGENCE AGENCY

Deputy Director of Congressional Affairs

Elizabeth –

You should emphasize fact of deregistration at request of HSCA. We need House help to get this done. Demonstrate that we are not "hiding" from disbursement.

D/DCI – Page points out that the need for a resolution is to lift the Congress' registration order. W/o the resolution we would be in violation of the order were we to release House documents we hold.

Statement of Admiral William O. Studeman, USN
Deputy Director of Central Intelligence

LONG VERSION

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Let me begin, as the Director did last week in testifying on this subject, by emphasizing that I am in complete agreement with the purpose underlying the joint resolution--that efforts should be made to declassify and make available to the public as quickly as possible government documents relating to the assassination of John F. Kennedy. We hope that opening up and giving journalists, historians and, most importantly, the public access to governmental files will help to resolve questions that still linger over 28 years after the assassination. Further, we believe that maximum disclosure will discredit the theory that CIA had anything to do with the murder of President Kennedy.

Even before introduction of this joint resolution, the Director recognized the need for greater public access to CIA documents of historical importance. Two months ago, he announced the establishment of a new unit within CIA that will be responsible for declassifying as many historical documents as possible consistent with the protection of intelligence sources and methods. This new unit, the Historical Review Group, in the Agency's Center for the Study of Intelligence, will review for declassification documents 30 years old or older, and national intelligence estimates on the former Soviet Union that are 10 years old or older. In addition to the systematic review of 30-year-old documents, the Director has directed the History Staff in the Center for the Study of Intelligence to assemble CIA records focusing on particular events of historical importance, including the assassination of President Kennedy. The Historical Review Group will then examine the documents for the purpose of declassifying the records.

Because of high interest in the JFK papers, we are not waiting for legislation or other agencies to start declassifying documents belonging to CIA. The Historical Review Group already has begun its review of the documents related to the assassination of President Kennedy, and the first group of these records, including all CIA documents on Lee Harvey Oswald prior to the assassination, has been declassified with quite minimal deletions and transferred to the National Archives for release to the public. This is but a small fraction of what we have,

but it is an indication of our commitment immediately to begin review for declassification of this material. And, indeed, as I speak, the reviewers are going through a substantial number of documents, and we anticipate that many of these will be released shortly.

As we carry out our program to declassify Kennedy assassination documents, our goal will be to release as many as possible. In fact, the Director recently approved new CIA declassification guidelines for our Historical Review Program which specifically direct a presumption in favor of declassification. The Director believes that we can be very forward leaning in making these documents available to the public, and he has instructed the Historical Review Group to take this attitude to heart. In this spirit, the Agency is making publicly available these new guidelines for historical review and declassification.

In connection with these historical review guidelines, the Director has recently commissioned a task force to review Agency procedures under the Freedom of Information Act (FOIA). The mission of this task force is to ensure that our internal FOIA procedures are consistent with the approach that I have described for historical declassification. Although the task force will have to explore the difference between current documents that often are requested under FOIA and 30-year-old documents that are placed into the historical review program, our intention is to bring to the

FOIA process a much more positive attitude toward declassification and release of Agency records.

To understand the magnitude of the effort involved in reviewing the JFK papers for declassification, it is important to place them in some context. CIA's collection of documents related to the assassination of President Kennedy consists of approximately 250,000-300,000 pages of material. This includes 64 boxes of copies and originals of information provided to the Warren Commission and the House Select Committee on Assassinations and 17 boxes of material on Lee Harvey Oswald accumulated after President Kennedy's assassination. Unfortunately, what we are dealing with is a mass of material that is not indexed, is uncatalogued, and is highly disorganized--all of which makes the review process more difficult. The material contains everything from the most sensitive intelligence sources to the most mundane news clippings.

These records include documents that CIA had in its files before the assassination, a large number of records that CIA received later as routine disseminations from other agencies, as well as the reports, correspondence, and other papers that CIA prepared in the course of the assassination investigations. I should emphasize that these records were assembled into the present collection as a result of specific inquiries received from the Warren Commission or the House Select Committee on Assassinations.

Prior to President Kennedy's assassination, CIA held only a small file on Lee Harvey Oswald that consisted of 34 documents (amounting to 124 pages), some of which originated with the FBI, State Department, the Navy, and newspaper clippings. Only 11 of these documents originated within CIA. As I have already noted, we have declassified the CIA documents in this file with quite minimal deletions and provided them to the National Archives. The records in this file dealt with Oswald's defection to the Soviet Union in 1959 and his activities after his return in 1962. By contrast, it was only after the assassination that CIA accumulated the rest of the material on Oswald--some 33,000 pages--most of which CIA received from other agencies after November 22, 1963.

There has been some comment on this pre-assassination Oswald file and how little it contained. I want to reemphasize that this pre-assassination material is but the first installment of all the material that we will review--an example of our intentions. All of the assassination-related documents we have will be reviewed for declassification, and we will transfer the declassified documents to the Archives as they are completed, rather than waiting until work on the entirety has been concluded.

We have been asked about documents in our possession generated by other agencies. In fact, much of the material held by CIA originated with other agencies or departments. For example,

in the 17 boxes of Oswald records, approximately 40% of the documents originated with the FBI, and about 20% originated with the State Department or elsewhere. Our staff is still going through the material compiled at the request of the Warren Commission and the House Select Committee on Assassinations, which includes 63 boxes of paper records and one box that contains 73 reels of microfilm. The microfilms in part overlap material in other parts of the collection. We estimate that within the 63 boxes of paper records, approximately 27% originated with a variety of other U.S. government agencies, private organizations, and foreign and American press.

We have also been asked about assassination materials that may be held by other Intelligence Community agencies. The FBI will describe its holdings separately, which I assume include both intelligence and law enforcement records. The National Security Agency and the State Department's Bureau of Intelligence and Research report, after a preliminary search, that they have identified a relatively small amount of material responsive to previous inquiries by the Warren Commission, the Church Committee, and the House Select Committee on Assassinations. The Defense Intelligence Agency, which did not come into existence until 1961, has identified no assassination material to date, and it anticipates that any holdings it might have would be minimal because its mission at the time of the Kennedy assassination focused upon foreign order of battle.

Although our holdings at CIA do include many documents from other agencies, we nonetheless have a substantial collection of CIA documents that will require a considerable effort to review, and, as I said earlier, this review for declassification is now underway. A preliminary survey of these files has provided us some indications of what they contain. Although the records cover a wide variety of topics, they principally focus on CIA activities concerning Cuba and Castro, Oswald's defection to the Soviet Union, and Oswald's subsequent activities in Mexico City and New Orleans. They also include a large number of name traces requested by the staff of the House Select Committee on Assassinations, as well as material relating to the Garrison investigation and Cuban exile activities.

CIA cannot release a number of documents unilaterally because of the limits in the Privacy Act (which protects the names of American citizens against unauthorized disclosure), the sequestration of many documents by the House Select Committee on Assassinations, and the fact that many of the documents belong to agencies other than CIA. However, we have already taken steps to lift the sequestration, to coordinate with other agencies, and to begin the process of declassification. If necessary, in the absence of legislation, we will ask the House of Representatives for a resolution permitting CIA to release the results of the declassification effort on the sequestered documents. We hope to work with you, Mr. Chairman, to remove any obstacles that might arise in releasing the sequestered documents.

While we expect that a large amount of material can be declassified under our program, I assume that there still will be information that cannot be released to the public for a variety of reasons, including privacy concerns or the exposure of intelligence sources and methods. Let me take a moment to give examples of this type of material. During the investigation by the House Select Committee on Assassinations, I understand that security and personnel files were requested on a number of Agency employees. These files contain fitness reports (or performance evaluations), medical evaluations and credit checks on individual CIA officers. Although irrelevant to the question of who killed President Kennedy, these and other personal documents ultimately ended up in the sequestered collection of documents. I do not believe that the benefit to the public of disclosure of this information outweighs the clear privacy interest of the individuals in keeping this information confidential. Similar privacy concerns exist with documents containing derogatory information on particular individuals where the information is based on gossip or rumor. Our files also contain names of individuals who provided us intelligence information on a promise of confidentiality. We would not disclose their names in breach of such a promise. Where we cannot disclose such information to the public, the Agency will make redactions and summarize the information in order to ensure that the maximum amount of information is released while still protecting the identity of an agent or the privacy of an individual.

If legislation is not passed by Congress and signed by the President regarding the JFK papers, to enhance public confidence and to provide reassurance that CIA has not held back any information relevant to the assassination, the Director has stated that he would appoint a panel of distinguished Americans from outside of government, perhaps including distinguished former jurists, to examine whatever documents we have redacted or kept classified. They would then issue an unclassified public report on their findings.

The effort required to declassify the documents related to the assassination of President Kennedy will be daunting. However, it is an important program, and both the Director and I are personally committed to making it work. Even in this time of diminishing resources within the Intelligence Community, the Director has allocated 15 full-time positions to expand the History Staff and to form the Historical Review Group that will review the JFK documents and other documents of historical interest.

I believe these actions attest to the seriousness of our intent to get these papers declassified and released, and to open what remains classified to outside, non-governmental review. It is against this background that, in response to the committee's request, I cite our few technical reservations about the mechanism established by the joint resolution to achieve this same result. I intend to address only Intelligence Community concerns; I will

defer to the Department of Justice on any additional problems posed by the joint resolution.

First, vesting in an outside body the determination as to whether CIA materials related to the assassination can be released to the public is inconsistent with the Director's statutory responsibility to protect intelligence sources and methods.

Second, we are concerned that the joint resolution contains no provision requiring security clearances or secure document handling by the Assassination Materials Review Board or its staff.

Third, we are concerned that the joint resolution does not provide the Agency with the opportunity to object to the release of CIA information contained in documents originated by Congress or the Warren Commission. Under the joint resolution, documents originated by these entities can be released directly by the Executive Director of the Assassination Materials Review Board without any review by the President or other Executive Branch agencies.

Fourth, the joint resolution provision for a 30-day period for agencies or departments to appeal decisions by the Executive Director to release information may not provide sufficient time for meaningful review of what could prove to be a large volume of material at one time.

Fifth and finally, section 6 of the joint resolution, which outlines the grounds for postponement of public release of a document, makes no provision for postponing release of documents that may contain Executive privilege or deliberative process, attorney-client, or attorney work-product information. While such privileges could be waived in the public interest and, in fact, are not likely to arise with respect to factual information directly related to the JFK assassination, they would be unavailable under the joint resolution in the rare case that they might be needed.

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These are technical problems that we believe can be solved in ways that will, in fact, expedite the release of documents bearing on the assassination of President Kennedy.

But, again, whatever the future course of this legislation, CIA is proceeding even now to review for declassification the relevant documents under its control. Further, we will cooperate fully with any mechanism established by the Congress and the President to declassify all of this material.

exception of certain operational files designated by the DCI under the provisions of the CIA Information Act of 1984. Included in this review will be files inherited from predecessor organizations and formerly designated files that have been removed from exempt status as a result of the periodic review required by the CIA Information Act of 1984.

(b) All issues of Studies in Intelligence.

(6) In addition to selecting 30-year old records for systematic declassification review, the History Staff will locate and collect for Historical Review Group declassification review National Intelligence Estimates on the former Soviet Union that are ten years old or older when reviewed, and records (including operational files excluded from systematic review) on selected events or topics of historical interest selected with the DCI's approval.

(7) The Historical Review Group will review for declassification and release CIA records selected by the Department of State for inclusion in its Foreign Relations of the United States series, in accordance with Section 198 of P.L. 102-138 (as interpreted by the President's signing statement of 28 October 1991). The declassification review of such records will be completed within 120 days of their submission by the Department of State.

e. GUIDELINES FOR DECLASSIFICATION

(1) Executive Order 12356 requires that information be classified only if its disclosure reasonably could be expected to cause damage to the national security, and that it shall be declassified or downgraded as soon as national security considerations permit. The Order further states that information that no longer requires protection in the interest of national security shall be declassifed and released unless withholding is otherwise authorized by applicable law.

(2) There shall be a presumption in favor of disclosure except as provided in subparagraph e(4). Reviewers conducting declassification review of information under this Program who advocate the continued classification of information will bear the burden of

identifying any damage its disclosure reasonably could be expected to cause to the national security. Information, including information classified solely on the basis of the "mosaic" effect, may remain classified only if the reviewer can identify such damage and a clear connection between disclosure and the projected damage. To show such damage with respect to information 30 years old or older, a reviewer must articulate how disclosure of the information is likely to affect, in a significant and adverse way, the US Government's current or future ability to carry out its authorized activities. Unless a showing of possible damage is made with reasonable specificity, the information will be declassified.

(3) Factors to be considered in determining whether damage to the national security reasonably could be expected to be caused by disclosure include the effect of the passage of time on the sensitivity of the information, any prior disclosures of the information, the link between disclosure and possible harm, and past experience with respect to disclosures of similar information.

(4) Under EO 12356 the unauthorized disclosure of foreign government information, the identity of a confidential foreign source, or intelligence sources or methods is presumed to cause damage to the national security. Such information shall not be automatically withheld under this Program, but must be reviewed for possible declassification even if it concerns matters normally withheld from public release, such as the fact of CIA presence in a specific country abroad; the fact that certain covert action operations were conducted; the existence of foreign government relationships; or CIA personnel or organizational information. Such information will be declassified if a reviewer concludes that disclosure could not reasonably be expected to damage the national security.

(5) In accordance with the third agency rule, the Historical Review Group will coordinate its review decisions as necessary with other US Government agencies before taking final declassification action and arranging to transfer records to the National Archives.

(6) A significant consideration in reviewing information for declassification under this Program will be the

extent to which the information is already available to the public. Classified information will not be declassified automatically as a result of any unofficial or inadvertent disclosure of identical or similar information. However, information that CIA has officially acknowledged (including inadvertent disclosures) will not be eligible for continued classification. There is a presumption that information that has appeared publicly, including information that the CIA Publications Review Board has approved for publication even if not confirmed officially, will not damage the national security unless the reviewer can show how official confirmation could reasonably be expected to cause additional damage to the national security.

(7) The Historical Review Group will determine whether the information under review warrants continued protection, even if declassified, pursuant to statutory or other requirements. Such information (e.g. privacy data and information protected by executive privilege) will be released, except when prohibited by law, unless there is a showing that US interests will be adversely affected by the disclosure.

(8) In no case will information be kept classified in order to conceal violations of law, inefficiency, or administrative error; to prevent embarrassment to a person, organization, or agency; or to prevent or delay the release of information that does not require protection in the interest of national security.

f. PROCEDURES

(1) Individual documents will be released in full, withheld in full, or released in part. When a document cannot be released in full, an effort to sanitize the document by deleting those portions that may not be declassified, or that may not be made public for other lawful reasons, will be undertaken. This procedure will be followed only when it will not slow the pace of the review unduly, will not obscure the record's essential significance, and will not distort the document's bibliographical identity, even if details of internal dissemination are excised. Documents that cannot be sanitized according to these criteria will be withheld in full.

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DDCI,

Belarus Oswald File

Facts: DCI's Senate testimony that "There has been no contact between CIA and the Russian KGB on this matter. . ." was incorrect. (OCA and DCI can provide guidance on how this should be corrected.)

In January 1992, COS Moscow asked the Russian internal service (MBRF) for any information which would bear on the circumstances of Kennedy's assassination. The MBRF responded on 11 February that the essential data on Lee Harvy Oswald had been presented in detail and with objectivity in an ABC television program broadcast on 22 November 1991. (Spot Report is attached.)

DO's preference would be for you, as far as possible within the bounds of honesty/responsiveness, to avoid giving an answer which will:

- acknowledge the existance of an liaison relationship with any of the intelligence organs of the CIS.

- jeopardize our prospects for getting our hands on the Belarus Oswald file.

Suggested response might be something like this:
"In response to a January request from the US embassy in Moscow, the Russians reviewed their file holdings on Oswald. They advised us on 11 February that they had nothing which would add to our knowledge or to the 22 November 1991 ABC special on this issue, which they termed 'detailed and objective.'

As you are aware, C/CE will be in Minsk on 23 May where he will seek access to the Oswald file. The Director Belarus KGB raised the subject, but did not promise to provide access/copies of the file. CE's inference is that he tabled the issue to pique our interest. It will probably be provided eventually, but we have no guarantee of immediate access. Obviously, any leaks to the press of the Minsk initiative would reduce C/CE's prospects of success.

cfp

~~SECRET~~

any indication on their part, that they are willing to reveal their files? And if so, whether those files have any information that would be helpful in this entire investigation?

GATES: There has been no contact between CIA and the Russian KGB on this matter. I would have to check and provide an answer for the record for the committee whether someone from the State Department has made a request of the Russian government for those archives. I think that may have happened but I'm just not certain.

SENATOR COHEN: Would you, in your experience, find that equally hard to believe, that someone, when a military personnel defects to the Soviet Union and marries a Soviet or Russian woman--a daughter of a KGB official--that someone would contact that individual to either brief him, debrief him, whatever?

GATES: Just speaking in very broad and generic terms, I would think it unusual not to have had some contact but I don't know if this case.

SENATOR COHEN: You both mentioned I think, Director Sessions and Director Gates--you both mentioned there might be a situation where you want to protect medical records of individuals who were involved because of privacy concerns. Let's suppose you have an agent who has knowledge of some aspect of the Kennedy assassination and that particular individual has a record of mental instability. And it might call into question his or her veracity or reliability. Would the interest in protecting the medical records outweigh that of someone assessing the reliability of that individual who may have provided information be weighed?

GATES: Part of the danger of having a non-lawyer answer these questions is that I'm inclined to answer them. (Laughs) My reaction to that on a purely hypothetical basis would be that if the information from the source were indeed germane, then I think that would fall into the category that I described and that I think Senator Boren referred to where we ought to be able to find some way without revealing the identity of the source to reflect on our level of confidence in the source.

SENATOR COHEN: Okay. I'm going to give you a chance in a moment, Judge Sessions. I just want to move on quickly, because we have Mr. James--I think, Lazar--who's going to be testifying shortly and I will not be here for that either. But he questions the issue of intelligence sources, that the bill

☐ UNCLASSIFIED ☐ INTERNAL USE ONLY ☐ CONFIDENTIAL ☐ SECRET

ROUTING AND RECORD SHEET

SUBJECT: (Optional)
SPOT REPORT - KGB File on Lee Harvey Oswald

FROM:	EXTENSION	NO.
Michael Morgan C/CETF/R/AOL 1X04 D NHB	73563	DDO SR 92-411 DATE 7 May 1992

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. C/CETF/R				
2.				
3. DC/CE				
4.				
5. C/CE				
6.				
7. SA/DDO		5-8		
8. ADDO		5.8		TOM THE CE PROPOSAL MAKES SENSE AND I SUGGEST WE SEND A CIC ANNITANT WHO IS FAMILIAR W/ CASE
9. DDO	11			
10.				
11.				
12.				
13. Deborah	11 May 92			
14. C/CE				
15.				

FORM 3-62 610 USE PREVIOUS EDITIONS ☐ SECRET ☐ CONFIDENTIAL ☐ INTERNAL USE ONLY ☐ UNCLASSIFIED

SUBJECT: SPOT REPORT - KGB File on Lee Harvey Oswald

1. BACKGROUND: In November 1991 this Agency received information that a high-ranking officer of the Russian Intelligence Service (formerly an officer of the KGB) had reviewed the five volume KGB file on Oswald and had concluded that Oswald was unstable and had at no time been an "agent" (in the classic sense) controlled by the KGB. In January 1992, COS Moscow was asked to query his liaison contact at the MBRF (Ministry of Security for the Russian Federation) regarding any information that would bear upon the circumstances of John F. Kennedy's assassination. On 11 February 1992, the MBRF responded that the essential data on Lee Harvey Oswald had been presented in detail and with objectivity in an ABC television program shown to the American public 22 November 1991. In addition,the MBRF stated that the former KGB had never established personal contact with Oswald nor was he ever used in any capacity operationally. In addition, the MBRF said it had no information on Oswald's intentions to organize or take part in the assassination on President Kennedy.

2. STATUS: On 22 April 1992 ACOS Minsk, Charlie Englehart met with the Chairman of the Belarus KGB (BKGB) Eduard Shirkovskiy in order to establish a formal liaison relationship between CIA and the BKGB. Shirkovskiy was asked if he was aware of any threats to U.S. or other Western interests, or any U.S. prisoners of war, now or ever held in Belarus. He responded "no, but I have the Oswald file, I got it back from the Russian KGB". Shirkovskiy did not offer the file. ACOS simply let the subject drop. We do not know what is in the file, how comprehensive the file is, or whether Shirkovskiy would permit us to read the file.

3. RECOMMENDATION: We recommend that an appropriately ranked CIA officer be sent to Minsk to meet privately with Shirkovskiy and to convey the DCI's interest in pursuing the comment made by Shirkovskiy regarding the Oswald file. Our primary goal would be to obtain the file itself for perusal.

CENTRAL INTELLIGENCE AGENCY

OFFICE OF THE DEPUTY DIRECTOR

14 May 1992

DDCI:

SUBJECT: Brooks Hearing on JFK

I talked with Dave Pearline, OCA, re your testimony for the Brooks hearing. Unless OCA gets further guidance from you, they plan to make only minor changes to Bob's testimony (extra copy attached) i.e., changing the committee name, etc. Feel free to make any changes on the draft.

I have scheduled a prebrief for you Tuesday, 19 May at 0800; the hearing is tentatively scheduled to begin at 1000 on Wednesday, 20 May. Dave indicated the committee still has not indicated which order the testimonies will take place.

- I need to see the JFK papers myself. (Stud e on task sked priorities if that's a problem.)
- I will work on this text over the course of Mon/Tues.

v/r S

STATEMENT OF ROBERT M. GATES

DIRECTOR OF CENTRAL INTELLIGENCE

BEFORE THE

SUBCOMMITTEE ON LEGISLATION AND
NATIONAL SECURITY

COMMITTEE ON GOVERNMENT OPERATIONS

UNITED STATES HOUSE OF REPRESENTATIVES

15 MAY 1992

Mr. Chairman, I am here today at your request to provide my views on House Joint Resolution 454, "The Assassination Materials Disclosure Act of 1992," and to describe the nature of documents held by the CIA that relate to the assassination of John F. Kennedy. I very much appreciate the opportunity to speak on this important matter, just as I did before your Senate counterparts on Tuesday.

Let me begin by stating that I am in complete agreement with the purpose underlying the joint resolution--that efforts should be made to declassify and make available to the public as quickly as possible government documents relating to the assassination of John F. Kennedy. We hope that opening up and giving journalists, historians and, most importantly, the public access to governmental files will help to resolve questions that still linger over 28 years after the assassination. Further, I believe that maximum disclosure will discredit the theory that CIA had anything to do with the murder of President Kennedy.

Even before introduction of this joint resolution, I recognized the need for greater public access to CIA documents of historical importance. Two months ago, I announced the establishment of a new unit within CIA that will be responsible for declassifying as many historical documents as possible

consistent with the protection of intelligence sources and methods. This new unit, the Historical Review Group, in the Agency's Center for the Study of Intelligence, will review for declassification documents 30 years old or older, and national intelligence estimates on the former Soviet Union that are 10 years old or older. In addition to the systematic review of 30-year-old documents, I have directed the History Staff in the Center for the Study of Intelligence to assemble CIA records focusing on particular events of historical importance, including the assassination of President Kennedy. The Historical Review Group will then examine the documents for the purpose of declassifying the records.

Because of high interest in the JFK papers, I am not waiting for legislation or other agencies to start declassifying documents belonging to CIA. The Historical Review Group, at my direction, already has begun its review of the documents related to the assassination of President Kennedy, and I am happy to report that the first group of these records, including all CIA documents on Lee Harvey Oswald prior to the assassination, has been declassified with quite minimal deletions and transferred to the National Archives for release to the public. This is, I acknowledge, a small fraction of what we have, but it is an earnest of my commitment immediately to begin review for declassification of this material. And, indeed, as I speak, the reviewers are going through a substantial number of documents, and I anticipate that many of these will be released shortly.

As we carry out our program to declassify Kennedy assassination documents, our goal will be to release as many as possible. In fact, I recently approved new CIA declassification guidelines for our Historical Review Program which specifically direct a presumption in favor of declassification. I believe we can be very forward leaning in making these documents available to the public, and I have instructed the Historical Review Group to take this attitude to heart. In this spirit, the Agency is making publicly available these new guidelines for historical review and declassification.

In connection with these historical review guidelines, I have recently commissioned a task force to review Agency procedures under the Freedom of Information Act (FOIA). I have instructed this task force to ensure that our internal FOIA procedures are consistent with the approach that I have described for historical declassification. Although the task force will have to explore the difference between current documents that often are requested under FOIA and 30-year-old documents that are placed into the historical review program, my intention is to bring to the FOIA process a much more positive attitude toward declassification and release of Agency records.

To understand the magnitude of the effort involved in reviewing the JFK papers for declassification, it is important to place them in some context. CIA's collection of documents

related to the assassination of President Kennedy consists of approximately 250,000-300,000 pages of material. This includes 64 boxes of copies and originals of information provided to the Warren Commission and the House Select Committee on Assassinations and 17 boxes of material on Lee Harvey Oswald accumulated after President Kennedy's assassination. Unfortunately, and for reasons that I do not know, what we are dealing with is a mass of material that is not indexed, is uncatalogued, and is highly disorganized--all of which makes the review process more difficult. The material contains everything from the most sensitive intelligence sources to the most mundane news clippings.

These records include documents that CIA had in its files before the assassination, a large number of records that CIA received later as routine disseminations from other agencies, as well as the reports, correspondence, and other papers that CIA prepared in the course of the assassination investigations. I should emphasize that these records were assembled into the present collection as a result of specific inquiries received from the Warren Commission or the House Select Committee on Assassinations. I have prepared a chart that illustrates this point.

As you can see, prior to President Kennedy's assassination CIA held only a small file on Lee Harvey Oswald that consisted of 34 documents (amounting to 124 pages), some of which originated with the FBI, State Department, the Navy, and

newspaper clippings. (Although I reported slightly smaller numbers to the Senate Committee on Governmental Affairs earlier this week, a subsequent count by my staff revealed these exact numbers.) Only 11 of these documents originated within CIA. I brought along a copy of Oswald's file as it existed before the assassination so that you can see first-hand how slender it was at the time. As I have already noted, we have declassified the CIA documents in this file with quite minimal deletions and provided them to the National Archives. The records in this file dealt with Oswald's defection to the Soviet Union in 1959 and his activities after his return in 1962. By contrast, it was only after the assassination that CIA accumulated the rest of the material on Oswald--some 33,000 pages--most of which CIA received from other agencies after November 22, 1963.

There has been some comment on this pre-assassination Oswald file and how little it contained. I want to reemphasize that this pre-assassination material is but the first installment of all the material that we will review--an example of our intentions. All of the assassination-related documents we have will be reviewed for declassification, and we will transfer the declassified documents to the Archives as they are completed, rather than waiting until work on the entirety has been concluded.

The committee has asked about documents in our possession generated by other agencies. In fact, much of the material held by CIA originated with other agencies or departments. For example,

in the 17 boxes of Oswald records, approximately 40% of the documents originated with the FBI, and about 20% originated with the State Department or elsewhere. Our staff is still going through the material compiled at the request of the Warren Commission and the House Select Committee on Assassinations, which includes 63 boxes of paper records and one box that contains 73 reels of microfilm. The microfilms in part overlap material in other parts of the collection. We estimate that within the 63 boxes of paper records, approximately 27% originated with a variety of other U.S. government agencies, private organizations, and foreign and American press.

Mr. Chairman, you have also asked about assassination materials that may be held by other Intelligence Community agencies. The FBI will describe its holdings separately, which I assume include both intelligence and law enforcement records. The National Security Agency and the State Department's Bureau of Intelligence and Research report, after a preliminary search, that they have identified a relatively small amount of material responsive to previous inquiries by the Warren Commission, the Church Committee, and the House Select Committee on Assassinations. The Defense Intelligence Agency, which did not come into existence until 1961, has identified no assassination material to date, and it anticipates that any holdings it might have would be minimal because its mission at the time of the Kennedy assassination focused upon foreign order of battle.

Although our holdings at CIA do include many documents from other agencies, we nonetheless have a substantial collection of CIA documents that will require a considerable effort to review, and, as I said earlier, at my direction, this review for declassification is now underway. A preliminary survey of these files has provided us some indications of what they contain. Although the records cover a wide variety of topics, they principally focus on CIA activities concerning Cuba and Castro, Oswald's defection to the Soviet Union, and Oswald's subsequent activities in Mexico City and New Orleans. They also include a large number of name traces requested by the staff of the House Select Committee on Assassinations, as well as material relating to the Garrison investigation and Cuban exile activities.

CIA cannot release a number of documents unilaterally because of the limits in the Privacy Act (which protects the names of American citizens against unauthorized disclosure), the sequestration of many documents by the House Select Committee on Assassinations, and the fact that many of the documents belong to agencies other than CIA. However, we have already taken steps to lift the sequestration, to coordinate with other agencies, and to begin the process of declassification. If necessary, in the absence of legislation, I will ask the House of Representatives for a resolution permitting CIA to release the results of the declassification effort on the sequestered documents. I hope that we can work together, Mr. Chairman, to remove any obstacles that might arise in releasing the sequestered documents.

While I expect a large amount of material can be declassified under our program, I assume that there still will be information that cannot be released to the public for a variety of reasons, including privacy concerns or the exposure of intelligence sources and methods. Let me take a moment to give examples of this type of material. During the investigation by the House Select Committee on Assassinations, I understand that security and personnel files were requested on a number of Agency employees. These files contain fitness reports (or performance evaluations), medical evaluations and credit checks on individual CIA officers. Although irrelevant to the question of who killed President Kennedy, these and other personal documents ultimately ended up in the sequestered collection of documents. I do not believe that the benefit to the public of disclosure of this information outweighs the clear privacy interest of the individuals in keeping this information confidential. Similar privacy concerns exist with documents containing derogatory information on particular individuals where the information is based on gossip or rumor. Our files also contain names of individuals who provided us intelligence information on a promise of confidentiality. We would not disclose their names in breach of such a promise. Where we cannot disclose such information to the public, the Agency will make redactions and summarize the information in order to ensure that the maximum amount of information is released while still protecting the identity of an agent or the privacy of an individual.

If legislation is not passed by Congress and signed by the President regarding the JFK papers, to enhance public confidence and to provide reassurance that CIA has not held back any information relevant to the assassination, I would appoint a panel of distinguished Americans from outside of government, perhaps including distinguished former jurists, to examine whatever documents we have redacted or kept classified. They would then issue an unclassified public report on their findings.

The effort required to declassify the documents related to the assassination of President Kennedy will be daunting. However, it is an important program, and I am personally committed to making it work. Even in this time of diminishing resources within the Intelligence Community, I have directed the allocation of 15 full-time positions to expand the History Staff and to form the Historical Review Group that will review the JFK documents and other documents of historical interest.

I believe these actions attest to the seriousness of our intent to get these papers declassified and released, and to open what remains classified to outside, non-governmental review. It is against this background that, in response to the committee's request, I cite our few technical reservations about the mechanism established by the joint resolution to achieve this same result. I intend to address only Intelligence Community concerns; I will

defer to the Department of Justice on any additional problems posed by the joint resolution.

First, vesting in an outside body the determination as to whether CIA materials related to the assassination can be released to the public is inconsistent with my own statutory responsibility to protect intelligence sources and methods.

Second, I am concerned that the joint resolution contains no provision requiring security clearances or secure document handling by the Assassination Materials Review Board or its staff.

Third, I am concerned that the joint resolution does not provide the Agency with the opportunity to object to the release of CIA information contained in documents originated by Congress or the Warren Commission. Under the joint resolution, documents originated by these entities can be released directly by the Executive Director of the Assassination Materials Review Board without any review by the President or other Executive Branch agencies.

Fourth, the joint resolution provision for a 30-day period for agencies or departments to appeal decisions by the Executive Director to release information may not provide sufficient time for meaningful review of what could prove to be a large volume of material at one time.

Fifth and finally, section 6 of the joint resolution, which outlines the grounds for postponement of public release of a document, makes no provision for postponing release of documents that may contain Executive privilege or deliberative process, attorney-client, or attorney work-product information. While such privileges could be waived in the public interest and, in fact, are not likely to arise with respect to factual information directly related to the JFK assassination, they would be unavailable under the joint resolution in the rare case that they might be needed.

These are technical problems that I believe can be solved in ways that will, in fact, expedite the release of documents bearing on the assassination of President Kennedy.

But, again, whatever the future course of this legislation, CIA is proceeding even now to review for declassification the relevant documents under its control. Further, we will cooperate fully with any mechanism established by the Congress and the President to declassify all of this material.

Office of Current Production and Analytic Support
CIA Operations Center

News Bulletin

The Washington Times
Page A3
16 May 1992

Gates: CIA will be exonerated by full disclosure of JFK files

By Hugh Aynesworth
THE WASHINGTON TIMES

CIA Director Robert Gates said yesterday he considers it very important that investigative materials concerning the 1963 John F. Kennedy assassination be released, and believes "maximum" disclosure will prove the CIA has nothing to hide.

Mr. Gates, appearing before a House Government Operations subcommittee, said he feared that unless governmental documents and files on the much-debated tragedy are released quickly, the nation's youth "will believe there is fire in all that smoke."

He offered his agency's blessing for House Joint Resolution 454, which would allow early release of almost all JFK documents. Only files concerning national security or personnel records should be exempted, he said, claiming this involved only a minuscule portion of the documents.

Mr. Gates said he doesn't know how fast the CIA can review and declassify the material, but that a newly formed unit, the Historical Review Group, has already begun.

Obviously stung by criticism that the CIA materials released Wednesday contained few new facts, Mr. Gates offered a near-apology.

"There has been some comment on this pre-assassination Oswald file, and how little it contained," he said. "This is but the first installment of all the material we will review — an example of our intentions."

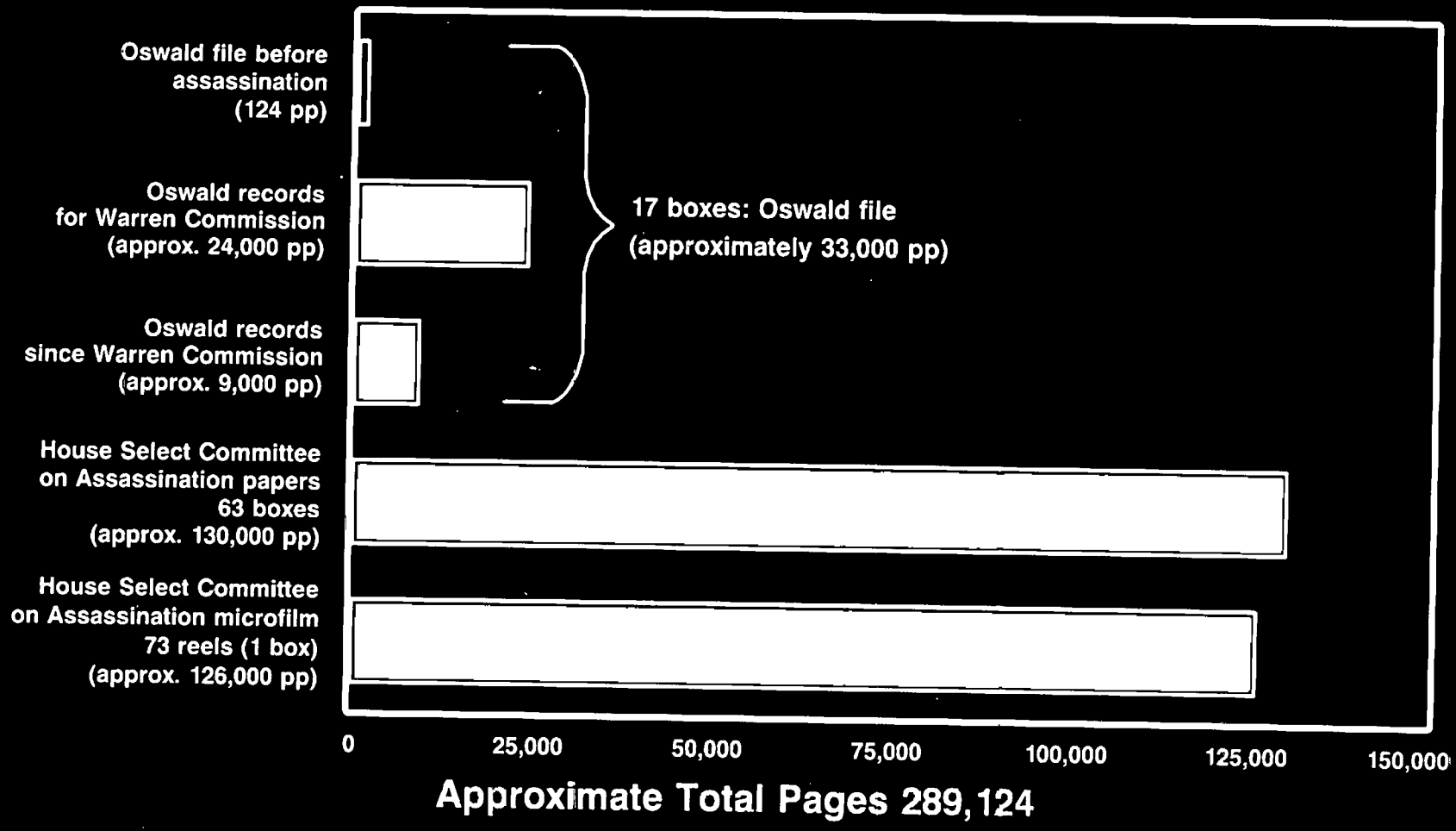
Rep. John Conyers Jr., Michigan Democrat and chairman of the full committee, said the American people "are not satisfied that they have been told the truth." He added: "It is time for the people to examine the records themselves and to come to their own conclusions about what really happened."

Mr. Gates said the CIA has as many as 300,000 JFK-related pages of material. This includes 64 boxes of information given to the Warren Commission in 1964 and the House Assassinations Committee in the late 1970s, he said, plus 17 more boxes of materials compiled on Lee Harvey Oswald. The cache is not indexed or catalogued and is highly disorganized, "all of which makes the review process more difficult," he said.

Mr. Gates, occasionally approaching the fervor he exhibited in a similar appearance before the Senate Government Affairs Committee Tuesday, took a jab at moviemaker Oliver Stone, whose 1991 movie "JFK" fascinated those not familiar with the facts in the case — and led to a public demand that the government's files be released.

Kennedy Assassination Records

Collected and Created by CIA for the Warren Commission, 1963-64, and for the House Select Committee on Assassination, 1977-79


Oswald file before assassination (124 pp)
Oswald records for Warren Commission (approx. 24,000 pp)
Oswald records since Warren Commission (approx. 9,000 pp)
17 boxes: Oswald file (approximately 33,000 pp)
House Select Committee on Assassination papers 63 boxes (approx. 130,000 pp)
House Select Committee on Assassination microfilm 73 reels (1 box) (approx. 126,000 pp)
0
25,000
50,000
75,000
100,000
125,000
150,000
Approximate Total Pages 289,124

OCA 2150-92
19 May 1992

Committee Members

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM: Stanley M. Moskowitz
Director of Congressional Affairs

SUBJECT: DDCI Testimony on JFK Assassination Materials Disclosure Act

1. You are scheduled to testify tomorrow before the Subcommittee on Economic and Commercial Law of the House Committee on the Judiciary on H.J. Res. 454, "The Assassination Materials Disclosure Act of 1992." This Subcommittee and the full Committee are chaired by Jack Brooks (D-TX).

2. The hearing is scheduled to begin at 10:00 am, and the lead witness will be Congressman Louis Stokes, who introduced the Joint Resolution in the House of Representatives. You will appear on a panel of witnesses that will follow the presentation by Congressman Stokes. Your panel will include FBI Deputy Director Floyd Clarke, Deputy Assistant Attorney General David Leitch, and the Archivist of the United States, Don Wilson. All of these witnesses have testified at previous hearings on the JFK Resolution, and a copy of their earlier remarks is in your briefing book. A final panel of witnesses will consist of Louis Seidman, Georgetown Law Professor, and Jane Kurtly, Reporters Committee for Freedom of the Press. We understand that Jack Valenti may also be invited to testify.

3. The staff has informed us that the order of the witnesses is still fluid and that there could be last minute changes. We will inform you of any such changes.

Stanley M. Moskowitz

TABLE OF CONTENTS

A. OPENING REMARKS

B. STATEMENT FOR THE RECORD

C. STATEMENT OF FBI DEPUTY DIRECTOR CLARKE

D. STATEMENT OF DAVID LEITCH, OLC, DEP'T OF JUSTICE

E. STATEMENT OF THE ARCHIVIST OF THE UNITED STATES

F. QUESTIONS AND ANSWERS

G. TRANSCRIPT OF DCI'S TESTIMONY ON 12 MAY: QUESTIONS AND ANSWERS

H. TRANSCRIPT OF DCI'S TESTIMONY ON 15 MAY: QUESTIONS AND ANSWERS

I. JFK ARTICLES IN WASHINGTON POST, 13 AND 14 MAY

J. CIA VIEWS LETTER TO OMB

K. CIA LETTER TO REP. CONYERS

L. JUSTICE VIEWS LETTER TO REP. CONYERS

M. SURVEY OF CIA HSCA HOLDINGS (S)

N. DECLASSIFICATION GUIDELINES

O. MEMORANDUM OF UNDERSTANDING--CIA AND ARCHIVES

P. HOUSE RESOLUTION (H.J. RES. 454)

Q. MEMBERSHIP OF SUBCOMMITTEE ON ECONOMIC AND COMMERCIAL LAW, HOUSE JUDICIARY COMMITTEE

Opening Remarks of Admiral William O. Studeman, USN
Deputy Director of Central Intelligence

Before the Subcommittee on Economic and Commercial Law
Committee on the Judiciary
U.S. House of Representatives
20 May 1992

Mr. Chairman, I am here today at your request to provide our views on House Joint Resolution 454, "The Assassination Materials Disclosure Act of 1992," and to describe the nature of documents held by the CIA that relate to the assassination of President John F. Kennedy. I very much appreciate the opportunity to speak on this important matter. With your permission, I will offer my prepared statement for the record and simply summarize those comments here.

Let me begin, as the Director did last week in testifying on this subject, by emphasizing that I am in complete agreement with the purpose underlying the joint resolution--that efforts should be made to declassify and make available to the public as quickly as possible government documents relating to the assassination of President Kennedy. We hope that opening up and giving journalists, historians and, most importantly, the public access to governmental files will help to resolve questions that still linger over 28 years after the assassination. Further, we believe that

maximum disclosure will discredit the theory that CIA had anything to do with the murder of President Kennedy.

Even before introduction of this joint resolution, the Director recognized the need for greater public access to CIA documents of historical importance. Two months ago, he announced the establishment of a new unit within CIA--the Historical Review Group--that will be responsible for declassifying as many historical documents as possible consistent with the protection of intelligence sources and methods. This unit already has begun its review of the documents related to the assassination of President Kennedy, and the first group of these records, including all CIA documents on Lee Harvey Oswald prior to the assassination, has been declassified with quite minimal deletions and transferred to the National Archives for release to the public. This is but a small fraction of what we have, but it is an indication of our commitment to begin review for declassification of this material immediately.

As we carry out our program to declassify Kennedy assassination documents, our goal will be to release as many as possible. In fact, the Director recently approved new CIA declassification guidelines for our Historical Review Program that specifically direct a presumption in favor of declassification. The Director believes that we can be very forward leaning in making these documents available to the public, and he has instructed the Historical Review Group to take this attitude to heart.

To understand the magnitude of the effort involved in reviewing the JFK papers for declassification, it is important to place them in some context. CIA's collection of documents related to the assassination of President Kennedy consists of approximately 250,000-300,000 pages of material. This includes 64 boxes of copies and originals of information provided to the Warren Commission and the House Select Committee on Assassinations and 17 boxes of material on Lee Harvey Oswald accumulated after President Kennedy's assassination. Unfortunately, what we are dealing with is a mass of material that is not indexed, is uncatalogued, and is highly disorganized--all of which makes the review process more difficult. The material contains everything from the most sensitive intelligence sources to the most mundane news clippings.

These records include documents that CIA had in its files before the assassination, a large number of records that CIA received later as routine disseminations from other agencies, as well as the reports, correspondence, and other papers that CIA prepared in the course of the assassination investigations. I should emphasize that these records were assembled into the present collection as a result of specific inquiries received from the Warren Commission or from the House Select Committee on Assassinations.

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While we expect that a large amount of material can be declassified under our program, I assume that there still will be information that cannot be released to the public for a variety of

reasons, including privacy concerns or the exposure of intelligence sources and methods. In my prepared statement I give examples of this type of material. Where we cannot disclose such information to the public, the Agency will make redactions and summarize the information in order to ensure that the maximum amount of information is released while still protecting the identity of an agent or the privacy of an individual.

If legislation is not passed by Congress and signed by the President regarding the JFK papers, to enhance public confidence and to provide reassurance that CIA has not held back any information relevant to the assassination, the Director has stated that he would appoint a panel of distinguished Americans from outside of government, perhaps including former jurists, to examine whatever documents we have redacted or kept classified. They would then issue an unclassified public report on their findings.

The effort required to declassify the documents related to the assassination of President Kennedy will be daunting. However, it is an important program, and both the Director and I are personally committed to making it work. Even in this time of diminishing resources within the Intelligence Community, the Director has allocated 15 full-time positions to expand the History Staff and to form the Historical Review Group that will review the JFK documents and other documents of historical interest.

I believe these actions attest to the seriousness of our intent to get these papers declassified and released, and to open what remains classified to outside, non-governmental review. It is against this background that, in response to the committee's request, I list in my prepared statement our few technical reservations about the mechanism established by the joint resolution to achieve this same result. These are technical problems that we believe can be solved in ways that will, in fact, expedite the release of documents bearing on the assassination of President Kennedy.

But, again, whatever the future course of this legislation, CIA is proceeding even now to review for declassification the relevant documents under its control. Further, we will cooperate fully with any mechanism established by the Congress and the President to declassify all of this material.

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Deputy Director of Central Intelligence

Before the Subcommittee on Economic and Commercial Law
Committee on the Judiciary
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20 May 1992

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but it is an indication of our commitment to begin review for declassification of this material immediately. And, indeed, as I speak, the reviewers are going through a substantial number of documents, and we anticipate that many of these will be released shortly.

As we carry out our program to declassify Kennedy assassination documents, our goal will be to release as many as possible. In fact, the Director recently approved new CIA declassification guidelines for our Historical Review Program which specifically direct a presumption in favor of declassification. The Director believes that we can be very forward leaning in making these documents available to the public, and he has instructed the Historical Review Group to take this attitude to heart. In this spirit, the Agency is making publicly available these new guidelines for historical review and declassification.

In connection with these historical review guidelines, the Director has recently commissioned a task force to review Agency procedures under the Freedom of Information Act (FOIA). The mission of this task force is to ensure that our internal FOIA procedures are consistent with the approach that I have described for historical declassification. Although the task force will have to explore the difference between current documents that often are requested under FOIA and 30-year-old documents that are placed into the historical review program, our intention is to bring to the

FOIA process a much more positive attitude toward declassification and release of Agency records.

To understand the magnitude of the effort involved in reviewing the JFK papers for declassification, it is important to place them in some context. CIA's collection of documents related to the assassination of President Kennedy consists of approximately 250,000-300,000 pages of material. This includes 64 boxes of copies and originals of information provided to the Warren Commission and the House Select Committee on Assassinations and 17 boxes of material on Lee Harvey Oswald accumulated after President Kennedy's assassination. Unfortunately, what we are dealing with is a mass of material that is not indexed, is uncatalogued, and is highly disorganized--all of which makes the review process more difficult. The material contains everything from the most sensitive intelligence sources to the most mundane news clippings.

These records include documents that CIA had in its files before the assassination, a large number of records that CIA received later as routine disseminations from other agencies, as well as the reports, correspondence, and other papers that CIA prepared in the course of the assassination investigations. I should emphasize that these records were assembled into the present collection as a result of specific inquiries received from the Warren Commission or the House Select Committee on Assassinations.

Prior to President Kennedy's assassination, CIA held only a small file on Lee Harvey Oswald that consisted of 34 documents (amounting to 124 pages), some of which originated with the FBI, State Department, the Navy, and newspaper clippings. Only 11 of these documents originated within CIA. As I have already noted, we have declassified the CIA documents in this file with quite minimal deletions and provided them to the National Archives. The records in this file dealt with Oswald's defection to the Soviet Union in 1959 and his activities after his return in 1962. By contrast, it was only after the assassination that CIA accumulated the rest of the material on Oswald--some 33,000 pages--most of which CIA received from other agencies after 22 November 1963.

There has been some comment on this pre-assassination Oswald file and how little it contained. I want to reemphasize that this pre-assassination material is but the first installment of all the material that we will review--an example of our intentions. All of the assassination-related documents we have will be reviewed for declassification, and we will transfer the declassified documents to the Archives as they are completed, rather than waiting until work on the entirety has been concluded.

We have been asked about documents in our possession generated by other agencies. In fact, much of the material held by CIA originated with other agencies or departments. For example, in the 17 boxes of Oswald records, approximately 40% of the

documents originated with the FBI, and about 20% originated with the State Department or elsewhere. Our staff is still going through the material compiled at the request of the Warren Commission and the House Select Committee on Assassinations, which includes 63 boxes of paper records and one box that contains 73 reels of microfilm. The microfilms in part overlap material in other parts of the collection. We estimate that within the 63 boxes of paper records, approximately 27% originated with a variety of other U.S. government agencies, private organizations, and foreign and American press.

We have also been asked about assassination materials that may be held by other Intelligence Community agencies. The FBI will describe its holdings separately, which I assume include both intelligence and law enforcement records. The National Security Agency and the State Department's Bureau of Intelligence and Research report, after a preliminary search, that they have identified a relatively small amount of material responsive to previous inquiries by the Warren Commission, the Church Committee, and the House Select Committee on Assassinations. The Defense Intelligence Agency, which did not come into existence until 1961, has identified no assassination material to date, and it anticipates that any holdings it might have would be minimal because its mission at the time of the Kennedy assassination focused upon foreign order of battle.

Although our holdings at CIA do include many documents from other agencies, we nonetheless have a substantial collection of CIA documents that will require a considerable effort to review, and, as I said earlier, this review for declassification is now underway. A preliminary survey of these files has provided us some indications of what they contain. Although the records cover a wide variety of topics, they principally focus on CIA activities concerning Cuba and Castro, Oswald's defection to the Soviet Union, and Oswald's subsequent activities in Mexico City and New Orleans. They also include a large number of name traces requested by the staff of the House Select Committee on Assassinations, as well as material relating to the Garrison investigation and Cuban exile activities.

CIA cannot release a number of documents unilaterally because of the limits in the Privacy Act (which protects the names of American citizens against unauthorized disclosure), the sequestration of many documents by the House Select Committee on Assassinations, and the fact that many of the documents belong to agencies other than CIA. However, we have already taken steps to lift the sequestration, to coordinate with other agencies, and to begin the process of declassification. If necessary, in the absence of legislation, we will ask the House of Representatives for a resolution permitting CIA to release the results of the declassification effort on the sequestered documents. We hope to work with you, Mr. Chairman, to remove any obstacles that might arise in releasing the sequestered documents.

While we expect that a large amount of material can be declassified under our program, I assume that there still will be information that cannot be released to the public for a variety of reasons, including privacy concerns or the exposure of intelligence sources and methods. Let me take a moment to give examples of this type of material. During the investigation by the House Select Committee on Assassinations, I understand that security and personnel files were requested on a number of Agency employees. These files contain fitness reports (or performance evaluations), medical evaluations and credit checks on individual CIA officers. Although irrelevant to the question of who killed President Kennedy, these and other personal documents ultimately ended up in the sequestered collection of documents. I do not believe that the benefit to the public of disclosure of this information outweighs the clear privacy interest of the individuals in keeping this information confidential. Similar privacy concerns exist with documents containing derogatory information on particular individuals where the information is based on gossip or rumor. Our files also contain names of individuals who provided us intelligence information on a promise of confidentiality. We would not disclose their names in breach of such a promise. Where we cannot disclose such information to the public, the Agency will make redactions and summarize the information in order to ensure that the maximum amount of information is released while still protecting the identity of an agent or the privacy of an individual.

If legislation regarding the JFK papers is not passed by Congress and signed by the President, the Director has stated that, to enhance public confidence and to provide reassurance that CIA has not held back any information relevant to the assassination, he would appoint a panel of distinguished Americans from outside of government, perhaps including distinguished former jurists, to examine whatever documents we have redacted or kept classified. They would then issue an unclassified public report on their findings.

The effort required to declassify the documents related to the assassination of President Kennedy will be daunting. However, it is an important program, and both the Director and I are personally committed to making it work. Even in this time of diminishing resources within the Intelligence Community, the Director has allocated 15 full-time positions to expand the History Staff and to form the Historical Review Group that will review the JFK documents and other documents of historical interest.

I believe these actions attest to the seriousness of our intent to get these papers declassified and released, and to open what remains classified to outside, non-governmental review. It is against this background that, in response to the Committee's request, I cite our few technical reservations about the mechanism established by the joint resolution to achieve this same result. I intend to address only Intelligence Community concerns; I will

defer to the Department of Justice on any additional problems posed by the joint resolution.

First, vesting in an outside body the determination as to whether CIA materials related to the assassination can be released to the public is inconsistent with the Director's statutory responsibility to protect intelligence sources and methods.

Second, we are concerned that the joint resolution contains no provision requiring security clearances or secure document handling by the Assassination Materials Review Board or its staff.

Third, we are concerned that the joint resolution does not provide the Agency with the opportunity to object to the release of CIA information contained in documents originated by Congress or the Warren Commission. Under the joint resolution, documents originated by these entities can be released directly by the Executive Director of the Assassination Materials Review Board without any review by the President or other Executive Branch agencies.

Fourth, the joint resolution provision for a 30-day period for agencies or departments to appeal decisions by the Executive Director to release information may not provide sufficient time for meaningful review of what could prove to be a large volume of material at one time.

Fifth and finally, section 6 of the joint resolution, which outlines the grounds for postponement of public release of a document, makes no provision for postponing release of documents that may contain Executive privilege or deliberative process, attorney-client, or attorney work-product information. While such privileges could be waived in the public interest and, in fact, are not likely to arise with respect to factual information directly related to the JFK assassination, they would be unavailable under the joint resolution in the rare case that they might be needed.

These are technical problems that we believe can be solved in ways that will, in fact, expedite the release of documents bearing on the assassination of President Kennedy.

But, again, whatever the future course of this legislation, CIA is proceeding even now to review for declassification the relevant documents under its control. Further, we will cooperate fully with any mechanism established by the Congress and the President to declassify all of this material.

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

STATEMENT

OF

FLOYD I. CLARKE

DEPUTY DIRECTOR

FEDERAL BUREAU OF INVESTIGATION

BEFORE

THE

SUBCOMMITTEE ON LEGISLATION

AND NATIONAL SECURITY

COMMITTEE ON GOVERNMENT OPERATIONS

HOUSE OF REPRESENTATIVES

MAY 15, 1992

ON THE

ASSASSINATION MATERIALS DISCLOSURE ACT

HOUSE JOINT RESOLUTION 454

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I AM PLEASED TO APPEAR BEFORE YOU TO TESTIFY ABOUT FBI INVESTIGATIVE RECORDS RELATING TO THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY. FBI DIRECTOR SESSIONS TESTIFIED RECENTLY ABOUT THIS IMPORTANT TOPIC AND WANTED TO BE HERE TODAY. UNFORTUNATELY PRIOR OUT-OF-TOWN COMMITMENTS PRECLUDED HIM FROM DOING SO. HE DID ASK, MR. CHAIRMAN, THAT I EXPRESS HIS APPRECIATION TO YOU FOR THIS OPPORTUNITY AND THAT THE COMMITTEE'S ATTENTION BE DRAWN TO HIS TESTIMONY TO SUPPLEMENT MY TESTIMONY HERE TODAY.

WITHOUT QUESTION, MR. CHAIRMAN, IT IS FUNDAMENTAL THAT THE GOVERNMENT EXISTS TO MEET THE NEEDS OF ITS CITIZENS. IN THIS INSTANCE, THE NEED THAT COMPELS US ALL IS TO SATISFY THE INTENSE INTEREST AND CONCERN OF OUR CITIZENS ABOUT THE CIRCUMSTANCES SURROUNDING THAT TRAGIC EVENT NEARLY 30 YEARS AGO. CLEARLY, A CRITICAL COMPONENT OF THAT PROCESS IS THE EXAMINATION BY THE PUBLIC OF THE HUNDREDS OF THOUSANDS OF PAGES OF GOVERNMENT

DOCUMENTS CREATED DURING THE INVESTIGATION OF THE ASSASSINATION.

BECAUSE OF THAT AND YOUR EFFORTS HERE, WE SHARE A COMMON GOAL. AS DIRECTOR SESSIONS HAS PUBLICLY AND EMPHATICALLY INDICATED, WE STRONGLY SUPPORT MAXIMUM DISCLOSURE CONSISTENT WITH THE LAW AND THE NEED TO PROTECT CERTAIN NARROW BUT HIGHLY SENSITIVE CATEGORIES OF INFORMATION. IT IS OUR DESIRE TO WORK COOPERATIVELY THROUGH THE DEPARTMENT OF JUSTICE AND WITH OUR COLLEAGUES IN THE CIA TO QUICKLY FINALIZE AND IMPLEMENT A COMPREHENSIVE APPROACH. BECAUSE OF THE INTENSE PUBLIC INTEREST, HOWEVER, WE WILL NOT WAIT FOR THAT PROCESS TO UNFOLD. DIRECTOR SESSIONS HAS INSTRUCTED THAT THE FBI IMMEDIATELY BEGIN PROCESSING FOR PUBLIC RELEASE OUR REMAINING RECORDS. THIS PROCESSING WILL BE DONE BY THE TASK FORCE FORMED LAST MONTH BY THE DIRECTOR TO RESPOND TO THE PUBLIC DEMAND FOR GREATER DISCLOSURE OF RECORDS RELATING TO THE ASSASSINATION.

AS YOU KNOW, MR. CHAIRMAN, IMMEDIATELY FOLLOWING THE SHOOTING OF PRESIDENT KENNEDY, THE FBI BEGAN A MASSIVE INVESTIGATION. AN INTENSE EFFORT WAS MADE. RELATED INVESTIGATIONS WERE CONDUCTED AND MUCH INFORMATION WAS EXCHANGED BETWEEN VARIOUS AGENCIES. AS IS THE CASE WITH ALL MAJOR INVESTIGATIONS, THOUSANDS OF PAGES OF DOCUMENTS WERE CREATED TO RECORD THE RESULTS OF THESE EFFORTS AND TO FACILITATE THE INVESTIGATIONS.

MANY DIFFERENT KINDS OF INFORMATION WERE RECORDED IN FBI FILES. THE RESULTS OF THOUSANDS OF INTERVIEWS OF WITNESSES, OTHER INDIVIDUALS WITH POSSIBLY HELPFUL KNOWLEDGE, AND CONTACTS WITH CONFIDENTIAL INFORMANTS WERE MEMORIALIZED. COMMUNICATIONS BETWEEN FBI HEADQUARTERS AND OUR FIELD OFFICES AND VISE VERSA WERE INCLUDED AS WERE COMMUNICATIONS BETWEEN THE FBI AND OTHER AGENCIES. FORENSIC REPORTS WERE RECORDED. IN ALL, FBI FILES RELATING TO THE ASSASSINATION CONTAIN OVER 499,000 PAGES OF DOCUMENTS. A FEW MORE PAGES ARE ADDED

EVERY TIME THE FBI FOLLOWS UP ON A NEW ALLEGATION OR A NEW ISSUE ARISES.

IN ADDITION, A NUMBER OF REVIEWS WERE CONDUCTED BY THE GOVERNMENT. THE FBI COOPERATED FULLY WITH THE WARREN COMMISSION, THE HOUSE ASSASSINATIONS COMMITTEE, THE CHURCH COMMITTEE AND THE ROCKEFELLER COMMISSION. IN EACH INSTANCE, FBI DOCUMENTS WERE CREATED AS A RESULT OF INTERACTION WITH THESE COMMITTEES AND COMMISSIONS. DIRECTOR SESSIONS WAS ESPECIALLY PLEASED TO HEAR CONGRESSMAN STOKES TESTIFY WEDNESDAY THAT HE WAS ENTIRELY SATISFIED WITH BOTH THE COOPERATION AND THE INFORMATION THE FBI PROVIDED TO THE HOUSE ASSASSINATIONS COMMITTEE DURING ITS INQUIRY.

AFTER AMENDMENT OF THE FREEDOM OF INFORMATION ACT IN 1974, THE FBI BEGAN RECEIVING REQUESTS FOR INFORMATION RELATING TO THE ASSASSINATION. BY 1978 OVER 200,000 PAGES, OR 93 LINEAR FEET OF FILES, HAD BEEN PROCESSED AND MADE AVAILABLE TO THE PUBLIC THROUGH THE

FBI'S PUBLIC READING ROOM. MANY AUTHORS, JOURNALISTS, HISTORIANS AND OTHERS HAVE VISITED AND REVISITED THESE MATERIALS.

I WOULD LIKE TO BRIEFLY PROVIDE TO THE COMMITTEE A BREAKDOWN OF FBI RECORDS RELATING IN SOME WAY TO THE ASSASSINATION.

1. THE FBI HAS FOUR "CORE FILES" THAT RELATE DIRECTLY TO THE INVESTIGATION OF THE ASSASSINATION, OUR COOPERATION WITH THE WARREN COMMISSION, AND THE INVESTIGATIONS OF LEE HARVEY OSWALD AND JACK RUBY. THERE ARE APPROXIMATELY 499,000 PAGES IN THESE FILES. BECAUSE OF THE VERY LIBERAL STANDARDS USED FOR PROCESSING THESE DOCUMENTS, MOST OF THE INFORMATION IN THESE FILES WAS RELEASED PURSUANT TO THE FREEDOM OF INFORMATION ACT IN 1978 AND IS AVAILABLE IN THE FBI'S PUBLIC READING ROOM. A PHOTOGRAPH OF THE DOCUMENTS AVAILABLE IN OUR READING ROOM IS

ATTACHED TO MY STATEMENT. I ALSO HAVE ATTACHED A CHART DEPICTING THE TOTAL NUMBER OF PAGES IN THESE FILES, THE NUMBER OF DUPLICATE, THIRD AGENCY AND UNPROCESSED PAGES, AND THE NUMBER OF PAGES RELEASED IN THEIR ENTIRETY.

2. IN ADDITION, THE FBI HAS SEVERAL OTHER MUCH SMALLER FILES AS A RESULT OF OTHER RELATED INVESTIGATIONS SUCH AS THE INVESTIGATION OF MARINA OSWALD. THESE FILES COMPRISE APPROXIMATELY 22,000 PAGES. I ALSO HAVE ATTACHED A CHART PERTAINING TO THESE FILES AND, AGAIN, MUCH OF THIS INFORMATION HAS ALREADY BEEN RELEASED TO THE PUBLIC.

THE INFORMATION THAT HAS NOT BEEN DISCLOSED OR THAT HAS BEEN REDACTED TO SOME DEGREE FALLS WITHIN THE EXEMPTIONS SPECIFICALLY ENUMERATED IN THE FREEDOM OF INFORMATION ACT AND THE PROTECTION OF THE PRIVACY ACT. THIS INCLUDES INFORMATION THAT:

1. IS CLASSIFIED ON THE BASIS OF NATIONAL SECURITY;
2. WOULD DISCLOSE THE IDENTITIES OF INDIVIDUALS WHO SPECIFICALLY REQUESTED CONFIDENTIALITY;
3. WOULD DISCLOSE THE IDENTITIES OF CONFIDENTIAL INFORMANTS OR SOURCES;
4. IS HIGHLY PERSONAL INFORMATION ABOUT INDIVIDUALS; OR
5. ORIGINATED WITH OTHER GOVERNMENT AGENCIES AND THOSE AGENCIES SPECIFICALLY REQUESTED THAT THE INFORMATION NOT BE RELEASED BASED UPON EXEMPTIONS APPLICABLE TO THOSE AGENCIES.

WHILE WE STRONGLY FAVOR MAXIMUM DISCLOSURE UNDER THE LAW, THERE ARE CERTAIN TYPES OF INFORMATION THAT ARE PARTICULARLY CRITICAL TO SUCCESSFUL LAW ENFORCEMENT INVESTIGATIONS AND NATIONAL SECURITY. THE FREEDOM OF INFORMATION ACT AND THE RESOLUTION PENDING BEFORE YOU RECOGNIZE THESE NARROW CATEGORIES. THE LIMITED INFORMATION IN FBI FILES THAT HAS NOT BEEN DISCLOSED

PUBLICLY FALLS LARGELY WITHIN THESE CATEGORIES OF INFORMATION.

IN ANY CASE, WE BELIEVE IT IS EXTREMELY HEALTHY FOR THE COUNTRY TO HAVE THESE ISSUES AIRED AND RESOLVED. THE PUBLIC INTEREST DEMANDS A FINAL REVIEW OF THIS HORRIFIC EVENT. MAXIMUM DISCLOSURE CONSISTENT WITH THE LAW CLEARLY SERVES THAT PURPOSE AND THAT IS WHAT WE INTEND TO DO.

I WOULD LIKE TO ADD A FINAL WORD OF CAUTION. AS I MENTIONED, THE FBI HAS HUNDREDS OF THOUSANDS OF PAGES OF DOCUMENTS RELATING TO THE ASSASSINATION. EXCLUDING THE DUPLICATE AND THIRD AGENCY DOCUMENTS, MOST OF THE DOCUMENTS AND ALMOST ALL OF THE INFORMATION THEY CONTAIN HAVE ALREADY BEEN RELEASED TO THE PUBLIC. FOLLOWING THE ASSASSINATION, THE GOVERNMENT CONDUCTED A NUMBER OF REVIEWS. THE WARREN COMMISSION AND THE HOUSE ASSASSINATIONS COMMITTEE INQUIRIES WERE PARTICULARLY EXHAUSTIVE. THE FBI COOPERATED FULLY

WITH BOTH, SUPPLYING MASSIVE NUMBERS OF DOCUMENTS. WHAT HAS NOT BEEN DISCLOSED FROM OUR RECORDS THROUGH THE FREEDOM OF INFORMATION ACT PROCESS HAS BEEN REVIEWED OUTSIDE OF THE FBI DURING THESE INQUIRIES. CONGRESS HAS SEEN ALL OF THE SIGNIFICANT INFORMATION THE FBI HAS THAT POSSIBLY BEARS ON THE ASSASSINATION. REGARDLESS OF WHAT PROCESS IS ULTIMATELY ADOPTED, THERE WILL BE NO NEW OR STARTLING REVELATIONS AS A RESULT OF THIS FINAL RELEASE FROM THE FBI. I BELIEVE, HOWEVER, THAT THIS SHOULD NOT DAMPEN THE ZEAL WITH WHICH THIS IS PURSUED. THE PUBLIC SHOULD KNOW WHAT IS IN OUR RECORDS RELATING TO THE ASSASSINATION AND WHAT IS NOT. THAT IS WHY WE ARE PROCEEDING REGARDLESS OF ANY LEGISLATION.

STATEMENT

OF

DAVID G. LEITCH
DEPUTY ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGAL COUNSEL

BEFORE THE

SUBCOMMITTEE ON LEGISLATION AND NATIONAL SECURITY
COMMITTEE ON GOVERNMENT OPERATIONS
UNITED STATES HOUSE OF REPRESENTATIVES

CONCERNING

H.J. RES. 454

MAY 15, 1992

Mr. Chairman, Members of the Subcommittee, I am pleased to appear before you today to testify on the constitutional issues raised by House Joint Resolution 454, the "Assassination Materials Disclosure Act of 1992." The Department of Justice recognizes the importance of this legislation and is in agreement with the concerns that prompted its introduction. Without reservation, we endorse its stated purpose to "secure the expeditious disclosure of records relevant to the assassination of President John F. Kennedy as soon as practicable consistent with the public interest." We concur in the sponsors' belief that disclosure of information held by the government concerning the assassination is vital because of the public interest and scrutiny that the case, quite understandably, has generated.

It is, of course, necessary to achieve our shared policy goals in a constitutionally appropriate manner. That issue, which was discussed at length in the Department's April 27 letter to Chairman Conyers, is what I would like to discuss today. For the most part, the constitutional concerns about which I will testify involve the structure of the proposed Assassination Materials Review Board. I emphasize that these concerns do not conflict with the goal of disclosure. In fact, the Congress could address these structural concerns in appropriate amendments without sacrificing any interest in disclosure. As the

Subcommittee knows, the Department and the Administration stand ready to work with the Congress to craft such amendments.

The most obvious constitutional issue raised by the structure of the proposed Assassination Materials Review Board is the appointment of the members of the Board by the Special Division of the United States Court of Appeals for the District of Columbia Circuit, which currently appoints independent counsels pursuant the provisions of chapter 40, title 28, United States Code. The Department's position that the proposed appointment structure for the Review Board raises significant and troubling constitutional issues is neither novel nor unique. In introducing S.J. Res. 282, the companion version of H.J. Res. 454, Senator Boren observed:

> We faced a difficult choice in deciding who should appoint the Review Board. Given the unique circumstances involved, allowing the President or Congress to appoint the Board did not seem appropriate. We settled on the special three-judge Federal court division that appoints independent counsels for criminal investigations. Some may contend that this choice raises constitutional problems, despite the decision of the Supreme Court in Morrison v. Olson, 487 U.S. 654 (1988), which upheld the power of that division to appoint independent counsels. Some may feel that a judicial panel is ill-suited to make appointments for this task. The judges themselves, who have small staffs and other concerns, might well prefer to avoid this assignment. Still, we have found no better solution.

138 Cong. Rec. S4392 (daily ed. March 26, 1992).

In considering the validity of the proposed appointment structure, we have followed the Supreme Court's decision in Morrison v. Olson, which -- as Senator Boren recognized -- is of obvious relevance. In Morrison, the Supreme Court held, among other things, that vesting the appointment of the independent counsel in the Special Division does not violate the Appointments Clause, Article II, section 2, clause 2 of the Constitution. The Court also held that, notwithstanding the "for cause" restriction on the Attorney General's power to remove the independent counsel, the independent counsel statute taken as a whole does not violate the constitutional doctrine of separation of powers.

The appointment structure for the Review Board raises two significant constitutional issues, neither of which is directly governed by the Court's decision in Morrison. First, because the appointment of the Board members, who rather plainly exercise executive power, is vested in a court of law, the appointment is an "interbranch appointment" in a context different from the one considered by the Court in Morrison. Although the Court approved the specific interbranch appointment scheme before it, it recognized that Congress' power to provide for interbranch appointments is not "unlimited." The Court explained that "Congress' decision to vest the appointment power in the courts would be improper if there was some 'incongruity' between the functions normally performed by the courts and the performance of their duty to appoint." 487 U.S. at 676 (quoting Ex parte

Siebold, 100 U.S. 371, 398 (1880)). More recently, in Freytag v. Commissioner of Internal Revenue, 111 S. Ct. 2631 (1991), the Court indicated that it is more difficult to challenge the constitutionality of an appointment structure that does not involve any interbranch appointments. The clear implication of this view is that interbranch appointment structures remain more vulnerable to constitutional challenge than the usual intrabranch appointment schemes.

Unfortunately, it is hard to determine just how vulnerable a particular interbranch appointment structure is to a constitutional challenge because the Morrison Court gave little guidance for deciding when such interbranch appointments are incongruous. In holding that the appointment of the independent counsel by the Special Division was not an unconstitutional interbranch appointment, the Court relied heavily on precedents in which courts have appointed prosecutors and on the perceived conflict of interest where the Executive Branch is called upon to investigate its own high-ranking officers. See 487 U.S. at 676-77.

Neither of these factors would help to justify the interbranch appointment of the members of the Review Board. It would not be unreasonable to conclude that there is indeed an incongruity between normal judicial functions and the appointment of the Board members because judicial panels and judges do not

ordinarily determine who will decide to release confidential Executive Branch materials. Nor do we divine a conflict of interest in vesting with the Executive the power to make this determination. Indeed, the sponsors of the joint resolution recognize in section 8(h)(2) that it is appropriate for the President to retain final authority over disclosure of Executive Branch materials.

Given the uncertainty in the constitutional law on interbranch appointments, vesting the appointment of the Review Board members in the Special Division would cast doubt on the constitutionality of the Board. That doubt could delay the work of the Board, and even require remedial legislation, further delaying the expeditious release of documents that the resolution and the Department seek. In a hearing in the Senate on Tuesday of this week, Senator Boren stated that other methods of appointment should be considered, and we pledged our willingness to explore alternatives with the Congress.

A second constitutional issue raised by the appointment structure of the Review Board involves vesting in the Review Board the power to appoint an Executive Director, who would, following the Supreme Court's precedents, be considered an inferior officer for Appointments Clause purposes. Because the members of the Review Board would be appointed by a court, they too must be considered inferior officers under the Appointments

Clause. Indeed, the resolution itself makes plain in section 5(b)(3) that "the members of the Review Board shall be deemed to be inferior officers of the United States within the meaning of section 2 of Article II of the Constitution." But under the appointments clause, the power to appoint inferior officers such as the Executive Director may be vested only in the President alone, the Head of a Department, or, subject to the constraints discussed above, a court of law, and not in other inferior officers. Morrison does not help to justify such an appointment structure, because while independent counsels have the power to appoint staff and other employees, see 28 U.S.C. § 594(c), they do not have power to appoint inferior officers.

Both of these constitutional problems could be addressed if the members of the Review Board were appointed by the President, with the advice and consent of the Senate. In that case, there would be no interbranch appointment problem, and the Review Board could then be composed of principal officers, who may be vested with the power to appoint inferior officers of the United States. Because that structure would distribute the appointment power between the President and the Senate, it might also satisfy any concern regarding vesting the appointment in either the President or Congress alone.

Let me mention one other constitutional issue with respect to the structure of the Review Board. The constitutional chain

of command requires that the President have the power to supervise the actions of government officers exercising Executive power. The Supreme Court's decision in Morrison in fact confirms this requirement because the Court upheld the constitutionality of the independent counsel statute only after it was satisfied that the statute "gives the Executive Branch sufficient control over the independent counsel to ensure that the President is able to perform his constitutionally assigned duties." Morrison, 487 U.S. at 696.

At least to the extent that the materials it holds do not contain privileged information of the Executive Branch, Congress may vest the power to review and release congressional assassination records with an officer of Congress, without interference by the executive. It may not, however, vest that power with an Executive Branch officer and deprive the President of his constitutional power to supervise that officer in the performance of that duty. We therefore object to the provision in section 8 purporting to insulate decisions of the review board from the supervision and control of the President.

Finally, the Department has expressed concern about the specific exceptions contemplated in the legislation to the general requirement of disclosure. As noted above, of course, we share the goal of achieving broad and expeditious disclosure of assassination materials. But, as the sponsors of the Joint

Resolution have recognized, there may be circumstances in which the public and national interest are not served by disclosure. The Joint Resolution spells out some of those circumstances including where disclosure would reveal intelligence sources and methods, constitute an unwarranted invasion of privacy, or violate an understanding of confidentiality between the Government and a witness. We are concerned, however, that there may be other significant interests, such as law enforcement, well recognized in existing practice, that should be addressed by the legislation. In crafting legislation that strikes the appropriate balance between the competing interests at stake in this matter, the Congress and the Executive Branch should work together in a spirit of cooperation and compromise. We submit that this matter should be further discussed with agencies -- such as the FBI and the CIA -- whose operational interests may be implicated.

In closing, I would like to emphasize that the Department is trying to find solutions to the constitutional issues raised by H.J. Res. 454. I hope we can work on that task together with this Subcommittee. Thank you very much.

STATEMENT OF

THE ARCHIVIST OF THE UNITED STATES

ON H. J. RES. 454,

ASSASSINATION MATERIALS DISCLOSURE ACT OF 1992

MAY 15, 1992

Statement of
the Archivist of the United States
on H. J. Res. 454,
Assassination Materials Act of 1992
May 15, 1992

Chairman Conyers and distinguished members of the subcommittee, I want to thank you for providing me the opportunity to address this issue from the perspective of the National Archives.

The primary mission of the National Archives is not only to collect and preserve the records of the Federal Government, but also to make those records available to the public. NARA is proud of its record of support for greater access by citizens to the historic records of their Government, consistent with the national security interests of the Government and the privacy interests of other citizens. We believe that such access is one of the hallmarks of our democracy; through it our citizens can ensure that their Government is acting in their best interests.

I want to assure the subcommittee that the National Archives and Records Administration (NARA) fully supports the accelerated review, declassification, and release of documentary materials related to the assassination of President John F. Kennedy, and we stand ready to assist in this important effort.

Mr. Chairman, as I discussed in my letter to you of May 5, the National Archives has custody of a large amount of material that, under the definition used in House Joint Resolution 454, may relate to the assassination of President Kennedy. I have appended to this testimony a detailed listing of these record categories, but offer this brief summary for your information.

The National Archives has already released to the public the overwhelming majority of the records related to the assassination for which the National Archives holds release authority. For example, since the mid-1960s the records of the Warren Commission have been in our custody and we have made available to requestors, in consultation with originating agencies, over 95% of the information in these files. In addition, we house relevant records from the Secret Service, Department of Justice, and Department of State, nearly all of which have been made public. Much of the closed material in both the Warren Commission records and these other relevant agency records has been withheld to protect the privacy of individual citizens. Tax returns, information from medical and psychiatric records, and the details of an individual's personal and family life have

generally not been released. Many documents have been released in part and all reasonably segregable portions of these documents have been released. Often the only material that has been withheld is the name of an individual.

Those documentary materials we house for which we have no independent authority concerning access are in two broad groups: congressional records and donated historical materials. When the House Select Committee on Assassinations (the Stokes Committee) completed its work in 1979, the committee transferred its official files to the National Archives. Records of the Senate Intelligence Committee are also housed at the National Archives. Access to these records are governed by Senate and House rules, which prohibit public access for from 20 to 50 years after their creation.

In accordance with 44 USC 2107 and 2111, the National Archives has also accepted under deed of gift a wide variety of donated historical materials. The Kennedy autopsy photographs and x-rays fall into this category. According to the deed of gift from the Kennedy family, the National Archives refers researchers who wish to obtain access to the autopsy materials to a representative of the Kennedy family. That representative has approved access to qualified forensic pathologists and Government investigating bodies, such as the Stokes Committee.

In addition, the papers of the Commission to Investigate CIA Activity Within the United States, commonly referred to as the Rockefeller Commission, are held by the Gerald R. Ford Library under a deed of gift. This is in keeping with legal practices prior to 1978 when records of presidentially appointed commissions could be regarded as "personal" to the president, since the commission provided advice directly to him. With the enactment of the Presidential Records Act in 1978, all such records, beginning with the records of President Ronald Reagan, are now defined as Federal records, but the Act was not retroactive to previous presidencies.

Although none of the highly classified Rockefeller Commission collection has been made directly available to the general public, the deed of gift specifies that access will be granted for any legitimate governmental function and that access has been granted to at least three previous governmental investigations, one conducted by the Justice Department and two conducted by Congress: the Brooks Committee and the Church Committee. We are assured by President Ford that relevant portions of the Commission's records would also be made available to the review board proposed in the joint resolution.

In addition, there are other collections of personal papers in our presidential libraries received under the authority

of 44 USC 2107 and 2111 that may contain documentary materials that fall within the broad definition of "assassination materials" as reflected in the proposed resolution. We have recently requested a review by our libraries to identify such collections and have asked our library directors to review the relevant deeds of gift.

Mr. Chairman, similar to President Ford, all former Presidents and other donors of historical documentary materials to our presidential library system have fully cooperated with all previous government inquiries. Given that record of cooperation, we would ask that you and the Subcommittee give full consideration to an alteration in the current proposed definition of assassination materials that would accord to all donors the recognition of rights extended to the Kennedy family. The current definition of "assassination materials" only recognizes that the autopsy materials donated to the National Archives by the Kennedy family under a deed of gift must be dealt with differently than other assassination materials. We believe strongly that the resolution needs to be broadened to extend to other donors a recognition of their right to have some say in the access to their personal papers. To do otherwise would seriously damage the trust that the Archivist, acting on behalf of the Government, has established with the donors. The United States Government has promised through a deed of gift that the donor would have the right to control access to their personal property. If the resolution were to go forward in its present form, we feel that it would have a chilling effect on the willingness of donors to present their papers to presidential libraries and other repositories, such as the Library of Congress. The ultimate victim of such a sea change would be the richness of our documentary history. I understand that the Librarian of Congress joins me in this concern.

To accomodate these concerns and at the same time reflect the Review Board's probable desire to examine at least some of these materials, we would recommend an expansion of Section 10 of the joint resolution to include a review of other relevant materials being held under a deed of gift by the Government. As with the Kennedy autopsy photographs and x-rays, however, the terms of the deeds of gift would be recognized by the Review Board in requesting access to the materials.

In addition to this recommended alteration, Mr. Chairman, we wish to offer three additional suggestions which we feel will strengthen the resolution and permit us to expeditiously carry out its goals.

As currently drafted, the Archives would be required to provide copies of all released assassination-related materials under the provisions of the fee/waiver structure

of the Freedom of Information Act, Section 552 of Title 5, US Code. That method would be inconsistent with NARA's currently approved and longstanding procedure, authorized in 44 USC 2116, of providing copies to the public at cost.

The implications of providing fee waivers for copying would be extremely detrimental to the National Archives. The cost of providing what we know will be thousands of copies of the released documents would have to be absorbed by the Archives to the detriment of many of our other programs.

We therefore recommend that NARA provide copies to the public under the current at cost system. Researchers would still be permitted to view materials in our Research Room at no charge. We have found that this system strikes a good balance between making materials available to the public without unduly taxing our resources.

We strongly support the resolution's provision of using the Government Printing Office to publish those released assassination materials of "broad public interest". We would only ask that the decision of what to publish be left to the review board and not the Archives. Determining what is of "public interest" in this area of inquiry is not really an archival function and would be better left to independent subject matter specialists. We would strive to be the central source for all released materials and leave the selective decisions on public interest to others.

Finally, it is unclear, as currently drafted, whether the records of the Executive agencies would be "made available" to the Review Board where the records are currently stored or consolidated in a central location for the benefit of review. The National Archives does not now have the space to house all of the Government's assassination materials. Additionally, we believe that the records should not be moved for purposes of review. Preservation issues, security concerns, and opportunities for loss, damage, and inadvertent release are all compounded when records are moved from location to location. Also it would be impossible for agencies to continue to process FOIA requests for these materials (something provided for in the resolution) if they were moved from current agency space. We would therefore recommend that the independent reviewers go to the records and not vice versa.

I want to conclude by emphasizing that we fully support the broad purposes of this resolution and look forward to the day when all of the assassination materials are open and in the custody of the National Archives. Only in this way will the American public be able to assure themselves of the truth behind the assassination of President Kennedy.

Thank you.

Table of Contents for Questions and Answers

A. CONTACTS BETWEEN CIA AND KGB ON OSWALD FILES

B. ARCHIVES' PROBLEMS WITH TRANSFER OF OSWALD FILE

C. PRESUMPTION OF RELEASE AND FOIA

D. IS MORE RELEASED UNDER FOIA OR NEW GUIDELINES?

E. HOW MANY JFK DOCUMENTS RELEASED UNDER FOIA?

F. FOIA RESPONSE TIME IN GENERAL

G. "SECRET" OPENNESS TASK FORCE REPORT

H. NEW EXECUTIVE ORDER ON CLASSIFICATION

I. OSWALD DOCUMENTS PREVIOUSLY RELEASED

J. LITTLE OF INTEREST IN OSWALD FILE

K. JFK MATERIAL AT NSA AND INR

L. JFK MATERIAL AT NAVAL INTELLIGENCE

M. JFK MATERIAL RELEASED BY OTHER AGENCIES

N. PAPERS ON CUBA, CASTRO, MONGOOSE, AMLASH, LOPEZ

1. DEFINITION OF ASSASSINATION MATERIALS

2. RECENT ASSASSINATION-RELATED DOCUMENTS

3. OTHER DOCUMENTS

4. HELMS' IG REPORT TO PRESIDENT JOHNSON

5. INITIAL REVIEW OF RECORDS

6. HOW LONG WILL IT TAKE ?

CIA
# of documents
Oswald —
real | %
other

(how much released -

7. WHAT WILL IT COST ?

8. WHAT PERCENTAGE WILL BE RELEASED?

9. CONCERNS WITH RELEASING OLD MATERIAL

10. NEW DECLASSIFICATION STANDARDS

11. NAMES OF SOURCES

12. PROTECTING METHODS

13. LINGERING DOUBTS

14. DEPARTMENT OF JUSTICE LETTER

15. DoJ LETTER -- SOURCES AND METHODS

16. DoJ LETTER -- STANDARDS FOR POSTPONEMENT

17. POSSIBLE ISSUANCE OF EXECUTIVE ORDER

18. CIA INFORMATION IN CONGRESSIONAL DOCUMENTS

19. NO REVIEW BOARD

20. SECURITY MEASURES

21. ROCKEFELLER AND CHURCH COMMITTEE MATERIALS

22. DID OSWALD WORK FOR THE CIA?

23. DID CLAY SHAW WORK FOR THE CIA?

24. OTHER FACTUAL QUESTIONS

(A)

CONTACTS BETWEEN CIA AND KGB ON OSWALD FILES

Question: Have there been any attempts by the CIA or the State Department to gain access to KGB information on Oswald?

Answer: IN RESPONSE TO A JANUARY REQUEST FROM THE U.S. EMBASSY IN MOSCOW, THE RUSSIANS REVIEWED THEIR FILE HOLDINGS ON OSWALD. THEY ADVISED US ON 11 FEBRUARY THAT THEY HAD NOTHING THAT WOULD ADD TO OUR KNOWLEDGE OR TO THE 22 NOVEMBER 1991 ABC-TV SPECIAL ON THIS ISSUE, WHICH THEY TERMED "DETAILED AND OBJECTIVE".

(B)

ARCHIVES' PROBLEMS WITH TRANSFER OF OSWALD FILE

Question: Would you comment on statements quoted in the Washington Post that the National Archives was displeased with the procedures used to transfer the Oswald file last week?

Answer: I UNDERSTAND THAT THERE WERE NEGATIVE COMMENTS BECAUSE THE DOCUMENTS WE SENT OVER WERE COPIES AND BECAUSE CERTAIN FORMS THAT NORMALLY ACCOMPANY THE TRANSFER OF DOCUMENTS WERE NOT SENT. WITH RESPECT TO THE DOCUMENTS, CIA TRANSFERRED THE FILE AS IT EXISTED THE DAY IT WAS FIRST REVIEWED FOR DECLASSIFICATION. MY UNDERSTANDING IS THAT THIS WAS DONE ACCORDING TO THE TERMS OF A JUNE 1989 MEMORANDUM OF UNDERSTANDING BETWEEN CIA AND THE NATIONAL ARCHIVES. WITH RESPECT TO THE TRANSMITTAL DOCUMENTS, THESE WERE SENT TO THE ARCHIVES SHORTLY AFTER THE ACTUAL DELIVERY OF THE FILE.

CIA IS WORKING WITH OFFICIALS AT THE NATIONAL ARCHIVES TO ENSURE THAT DECLASSIFIED JFK MATERIAL IS TRANSFERRED QUICKLY AND EFFICIENTLY.

(C)

PRESUMPTION OF RELEASE AND FOIA

Question: You mention in the prepared statement that the Director has established a task force to review FOIA procedures to ensure that they are consistent with your historical review guidelines. Does this mean that there will be a presumption in favor of declassification when the CIA responds to FOIA requests?

Answer: THE TASK FORCE HAS JUST BEEN CREATED, SO IT IS TOO EARLY TO PREDICT WHAT RECOMMENDATIONS IT WILL MAKE. OUR INTENTION IS TO ENSURE THAT THE ATTITUDE THAT ANIMATES THE HISTORICAL REVIEW GUIDELINES WILL CARRY OVER INTO THE AGENCY'S RESPONSES TO FOIA REQUESTS. IT MAY BE THAT THE EXACT PROCEDURES USED FOR DECLASSIFICATION REVIEW OF 30-YEAR-OLD DOCUMENTS ARE NOT APPROPRIATE FOR REVIEW OF NEWER DOCUMENTS UNDER FOIA, BUT THAT IS AMONG THE QUESTIONS WE LEAVE FOR THE TASK FORCE.

(D)

IS MORE RELEASED UNDER FOIA OR NEW GUIDELINES?

Question: Would more material be released under FOIA or under your new historical review guidelines?

Answer: I THINK THAT MORE DOCUMENTS PROBABLY WOULD BE RELEASED UNDER THE STANDARDS ESTABLISHED BY THE NEW HISTORICAL REVIEW GUIDELINES AS COMPARED TO OUR TRADITIONAL STANDARDS FOR FOIA REVIEW.

(E)

HOW MANY JFK DOCUMENTS RELEASED UNDER FOIA?

Question: How many of the CIA's JFK records have been reviewed for release under the Freedom of Information Act (FOIA)? How many of these records have been released pursuant to such requests?

Answer: CIA HAS RELEASED 7,432 PAGES OF RECORDS PERTAINING TO THE ASSASSINATION OF PRESIDENT KENNEDY, REPRESENTING 1,969 DOCUMENTS, UNDER THE FOIA. THERE IS NO DOCUMENTATION OF HOW MANY JFK ASSASSINATION RECORDS CIA HAS REVIEWED UNDER FOIA.

(F)

FOIA RESPONSE TIME IN GENERAL

Question: We have seen reports that the CIA takes many years to respond to FOIA requests, and that requests even for previously released material are sometimes held up for many months. Can you comment on the Agency's track record under FOIA and other disclosure laws?

Answer: CIA'S POLICY IS TO PROVIDE REQUESTERS WITH THE MAXIMUM AMOUNT OF RELEASABLE INFORMATION IN THE SHORTEST POSSIBLE TIME. OVER THE PAST FIVE YEARS, THE VOLUME OF INCOMING REQUESTS TO CIA HAS INCREASED BY 37%, AND WE HAVE TRIED TO MATCH THAT PACE IN GIVING FINAL RESPONSES. IN EACH OF THE YEARS 1989-1991, WE ANSWERED OVER 4000 REQUESTS--A FEAT NEVER BEFORE REQUIRED OR ACCOMPLISHED AT THE AGENCY. FURTHER, THE ADMINISTRATIVE APPEAL AND LITIGATION RATES FOR CIA FOIA RESPONSES ARE AMONG THE LOWEST IN ALL OF GOVERNMENT.

- Add time
Same work Fedo

4000 89/91

37% increase in last 5 yrs

Admin Appeal/litigation
rates for CIA FOIA requests
= lowest in govt.

(G)

"SECRET" OPENNESS TASK FORCE REPORT

Question: Why was the Openness Task Force Report classified "Secret"? Why was the first FOIA request for the Report denied in its entirety?

Answer: AS YOU KNOW, THE DIRECTOR HAS ANNOUNCED A NEW OPENNESS PROGRAM AT CIA. HOWEVER, THIS APPROACH REPRESENTS A DRAMATIC CHANGE FOR AN AGENCY LONG ACCUSTOMED TO OPERATING PRIMARILY IN SECRET. THIS CHANGE WILL NOT OCCUR OVERNIGHT, AND THE INITIAL DECISION TO WITHHOLD THE ENTIRE OPENNESS TASK FORCE REPORT IS BUT ONE EXAMPLE OF THE HURDLES WE FACE IN PURSUING MORE OPENNESS AT CIA. HOWEVER, WE ARE COMMITTED TO CHANGE, AND OUR NEW HISTORICAL REVIEW GUIDELINES, WITH A PRESUMPTION IN FAVOR OF DISCLOSURE, PROVIDE AN INDICATION OF THE DIRECTION WE ARE TAKING.

(H)

NEW EXECUTIVE ORDER ON CLASSIFICATION

Question: We have heard that the Executive Branch is considering a new Executive Order on classification procedures that would supersede Executive Order 12356. What can you tell us about this new Executive Order, and when will it be issued?

Answer: I AM TOLD THAT A NEW EXECUTIVE ORDER IS IN THE DRAFTING STAGE, AND THAT IT IS BEING COORDINATED WITHIN THE EXECUTIVE BRANCH. THE DETAILS OF ANY CHANGES TO E.O. 12356 WILL NOT BE CLEAR UNTIL THE DRAFT IS FINALIZED AND COORDINATED. I UNDERSTAND THAT THE INTER-AGENCY WORKING GROUP THAT IS LOOKING AT THIS ISSUE WOULD BE HAPPY TO TAKE ANY SUGGESTIONS FOR IMPROVING E.O. 12356.

I DO NOT KNOW HOW LONG THE PROCESS WILL TAKE.

(I)

OSWALD DOCUMENTS PREVIOUSLY RELEASED

Question: Many of the Oswald documents transferred to the National Archives earlier this week reportedly had already been released to the public many years ago. Is this true?

Answer: YES, THAT IS CORRECT. HOWEVER, MOST OF THE DOCUMENTS IN THE OSWALD FILE WERE ORIGINATED BY OTHER AGENCIES, AND WE DID NOT KNOW WHAT DOCUMENTS THOSE AGENCIES HAD RELEASED PREVIOUSLY.

(J)

LITTLE OF INTEREST IN OSWALD FILE

Question: There appears to be little new information of interest in the Oswald file that was released. Is this true?

Answer: YES, THAT IS ESSENTIALLY ACCURATE. BUT THE OBJECTIVE IN TRANSFERRING THE FILE WAS TO DEMONSTRATE OUR GOOD FAITH COMMITMENT TO RELEASING AS MANY DOCUMENTS RELATED TO THE ASSASSINATION AS WE CAN, AS QUICKLY AS POSSIBLE.

(K)

JFK MATERIAL AT NSA AND INR

Question: You mention in your prepared statement that NSA and INR have identified a "relatively small amount" of material that had been provided in response to inquiries by the various bodies that investigated the Kennedy Assassination. Can you give us a better idea of the volume of material involved?

Answer: I AM ADVISED THAT BASED ON A PRELIMINARY SEARCH, NSA HAS IDENTIFIED APPROXIMATELY 50 PAGES OF NSA MATERIAL THAT IT PROVIDED IN RESPONSE TO OFFICIAL INQUIRIES BY THE WARREN COMMISSION, THE CHURCH COMMITTEE, AND THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS. INR ADVISED THAT IT HAS IDENTIFIED ONE DRAWER--APPROXIMATELY TWO CUBIC FEET OF MATERIAL--THAT IT SIMILARLY PROVIDED, ABOUT TWO-THIRDS OF WHICH ORIGINATED WITH OTHER AGENCIES, SUCH AS FBI AND CIA.

(L)

JFK MATERIAL AT NAVAL INTELLIGENCE

Question: You mentioned records held by NSA, DIA, and INR in your testimony, but what about the intelligence elements of the Armed Services, like Naval Intelligence? Are the allegations that Oswald had a relationship with Naval Intelligence true?

Answer: I AM NOT AWARE OF ANY ASSASSINATION MATERIALS THAT THEY MAY HAVE. THE COMMITTEE MAY WISH TO CONTACT THE DEPARTMENT OF DEFENSE TO OBTAIN THE INFORMATION YOU ARE SEEKING.

(M)

JFK MATERIAL RELEASED BY OTHER AGENCIES

Question: How much assassination material has been released to the public under existing statutes by intelligence agencies other than CIA? Can you tell us about their declassification procedures?

Answer: I AM ADVISED THAT NSA AND DIA HAVE RECEIVED FOIA REQUESTS RELEVANT TO THE KENNEDY ASSASSINATION, AND THAT FOIA REQUESTS TO THE STATE DEPARTMENT ON THIS TOPIC MAY HAVE ENCOMPASSED INR RECORDS. NSA REPORTS, BASED ON A PRELIMINARY REVIEW, THAT IT HAS IDENTIFIED ABOUT 17 FOIA REQUESTS, 5 OF WHICH ARE STILL "OPEN". DIA REPORTS THAT IT HAS RECEIVED A FEW SPECIFIC FOIA REQUESTS RELATED TO JFK, BUT IT HAS NOT LOCATED RESPONSIVE DOCUMENTS.

EACH AGENCY HAS ITS OWN INTERNAL PROCEDURES FOR RESPONDING TO FOIA REQUESTS, AND I AM NOT FAMILIAR WITH THE PROCEDURES AT OTHER INTELLIGENCE AGENCIES.

(N)

PAPERS ON CUBA, CASTRO, MONGOOSE, AMLASH, LOPEZ

Question: Can you tell us whether CIA's collection of assassination materials includes documents concerning Cuba, Castro, Operation MONGOOSE, AMLASH, and Gilberto Lopez?

Answer: I AM AWARE THAT DOCUMENTS ON THESE TOPICS ARE PRESENT IN OUR HOLDINGS OF ASSASSINATION MATERIAL. THE DIRECTOR HAS STATED THAT DOCUMENTS IN THESE CATEGORIES WILL BE AMONG THE FIRST THAT OUR REVIEWERS EXAMINE AS THEY WORK THROUGH OUR HOLDINGS.

DEFINITION OF ASSASSINATION MATERIALS

Question: How broadly should we define the term "assassination material" in the Joint Resolution?

Answer: WE THINK THAT "ASSASSINATION MATERIAL" SHOULD BE DEFINED TO INCLUDE ONLY INFORMATION THAT BEARS SOME REASONABLE RELATIONSHIP TO THE JFK ASSASSINATION. IT SHOULD NOT BE DEFINED SO BROADLY AS TO INCLUDE INFORMATION RELATED TO EVERY CONSPIRACY THEORY OUT THERE. PERHAPS A PANEL OF DISTINGUISHED HISTORIANS COULD BE ASSEMBLED TO DRAW THE LINE BETWEEN WHAT IS -- AND WHAT IS NOT -- REASONABLY RELATED TO THE ASSASSINATION.

RECENT ASSASSINATION-RELATED DOCUMENTS

Question: Has the CIA created or received documents related to the JFK assassination since the end of the House Select Committee on Assassinations investigation? What happens to such documents?

Answer: THE AGENCY HAS COLLECTED A SMALL NUMBER OF DOCUMENTS IN THE PAST FEW YEARS THAT RELATE TO OSWALD OR TO THE ASSASSINATION MORE GENERALLY. SUCH DOCUMENTS ARE PLACED INTO THE OSWALD FILE, BECAUSE THAT IS THE ONLY FILE RELATING TO THE ASSASSINATION THAT IS STILL OPEN.

OTHER DOCUMENTS

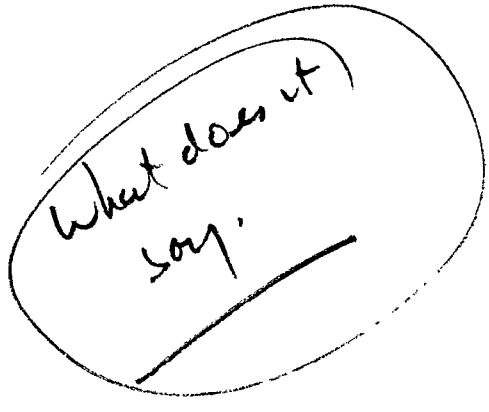
Question: Does the CIA have any other documents, beyond the ones you have described, that would relate to the assassination of JFK?

Answer: THE COLLECTIONS OF RECORDS THAT I HAVE DESCRIBED CONTAIN ALL CIA DOCUMENTS THAT PREVIOUSLY HAVE BEEN CONSIDERED RELEVANT BY THE WARREN COMMISSION AND THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS. THE AGENCY BELIEVES THAT IN RESPONDING TO THESE INVESTIGATIONS, IT HAS IDENTIFIED THOSE DOCUMENTS THAT DIRECTLY PERTAIN TO THE ASSASSINATION OF PRESIDENT KENNEDY.

HELMS' IG REPORT TO PRESIDENT JOHNSON

Question: I understand that former DCI Helms ordered an IG report for President Johnson on CIA assassination attempts against Castro and their possible connection to the Kennedy assassination. Is that report included in the documents you have described? Has it ever been made public? Has it been made available to other investigative entities? Will it be disclosed under the Joint Resolution?

Answer: YES. I AM TOLD THAT THE INSPECTOR GENERAL REPORT THAT DCI HELMS ORDERED PREPARED FOR PRESIDENT JOHNSON IS INCLUDED IN THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS MATERIAL THAT I HAVE DESCRIBED. ALTHOUGH IT HAS NEVER BEEN MADE PUBLIC, IT WAS MADE AVAILABLE (IN SANITIZED BUT STILL CLASSIFIED FORM) TO THE ROCKEFELLER COMMISSION AND TO THE CHURCH COMMITTEE, AS WELL AS TO THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS. IT WILL BE REVIEWED FOR DECLASSIFICATION SOON, BUT UNTIL IT IS I CANNOT PREDICT WHETHER IT CAN BE RELEASED.



INITIAL REVIEW OF RECORDS

Question: Do you agree with the approach in the Joint Resolution, which has the Executive Director of the Review Board making the initial determination on all JFK records, or do you think that your agency should make the first cut?

Answer: WE PROPOSE THAT THE INITIAL REVIEW OF ASSASSINATION MATERIALS BE MADE BY THE ORIGINATING AGENCY. THIS APPROACH WOULD ENSURE THAT THE JFK MATERIALS ARE REVIEWED AND RELEASED AS QUICKLY AND EFFICIENTLY AS POSSIBLE. AFTER THE INITIAL REVIEW BY THE ORIGINATING AGENCY, ONLY THOSE DOCUMENTS THAT COULD NOT BE RELEASED IN FULL WOULD THEN BE REVIEWED BY THE REVIEW BOARD. DISPUTES BETWEEN THE ORIGINATING AGENCY AND THE REVIEW BOARD COULD THEN BE RESOLVED BY THE PRESIDENT OR HIS DESIGNEE. THIS ARRANGEMENT WOULD EXPEDITE THE PROCESS OF DISCLOSURE BECAUSE THE AMOUNT OF MATERIAL THAT WOULD HAVE TO GO TO THE REVIEW BOARD WOULD ONLY BE A FRACTION OF THE WHOLE. AS I HAVE INDICATED, THE CIA HAS ALREADY BEGUN THE INITIAL REVIEW PROCESS.

HOW LONG WILL IT TAKE ?

Question: How long would it take the CIA to perform the initial review of the documents you have described?

Answer: THE REVIEW STAFF ESTIMATES THAT THEY COULD COMPLETE AN INITIAL REVIEW OF THE DOCUMENTS WE ARE HOLDING WITHIN SIX TO TWELVE MONTHS. HOWEVER, WE WILL USE WHATEVER RESOURCES ARE AVAILABLE TO MEET ANY REASONABLE DEADLINE ESTABLISHED BY THE JOINT RESOLUTION.

WHAT WILL IT COST ?

Question: Can you give us an estimate of the cost of reviewing these files in compliance with the Joint Resolution?

Answer: THE COST OF THE EFFORT WOULD DEPEND GREATLY ON WHAT PROCEDURES ARE SET OUT IN THE JOINT RESOLUTION AND ALSO ON THE DEADLINES THAT ARE ESTABLISHED. NATURALLY, THE COST OF THE EFFORT WILL INCREASE AS THE TIME ALLOWED FOR REVIEW IS SHORTENED, BECAUSE MORE EMPLOYEES WILL BE DRAWN INTO THE PROJECT IF THE DEADLINES ARE SHORT.

WHAT PERCENTAGE WILL BE RELEASED?

Question: What percentage of the CIA records you have described will be released to the public in full?

Answer: IT IS TOO EARLY TO GIVE YOU AN ESTIMATE OF THE PERCENTAGE THAT CAN BE RELEASED, SINCE THE HISTORICAL REVIEW GROUP HAS JUST BEGUN THE ENORMOUS TASK OF REVIEWING THESE DOCUMENTS. WE DO BELIEVE, HOWEVER, THAT A SIGNIFICANT PORTION OF THESE RECORDS CAN BE RELEASED TO THE PUBLIC, AND WE ARE COMMITTED TO PUSHING FOR AS MUCH DISCLOSURE AS POSSIBLE.

CONCERNS WITH RELEASING OLD MATERIAL

Question: **What concerns do you have which would result in withholding any of this 30-year-old material in whole or in part?**

Answer: LET ME BEGIN BY SAYING THAT I SUSPECT THAT MUCH OF THE OLDER MATERIAL CAN BE RELEASED. THE DIRECTOR HAS INSTRUCTED THE REVIEWERS TO USE A PRESUMPTION OF DISCLOSURE, AND THAT PRESUMPTION CAN ONLY BE OVERCOME BY A CURRENT SHOWING THAT DISCLOSURE WOULD DAMAGE THE NATIONAL SECURITY. HOWEVER, WHERE DISCLOSURE WOULD CAUSE SUCH DAMAGE, FOR INSTANCE BY REVEALING THE IDENTITY OF A SOURCE OR THE DETAILS OF AN INTELLIGENCE METHOD STILL IN USE, THEN WE DO HAVE A DUTY TO WITHHOLD. I SHOULD ALSO POINT OUT THAT SOME OF THE DOCUMENTS ARE MUCH NEWER, BECAUSE THEY WERE CREATED OR COLLECTED IN RESPONSE TO MORE RECENT CONGRESSIONAL INQUIRIES (SUCH AS THE HSCA).

NEW DECLASSIFICATION STANDARDS

Question: You mentioned that the Director recently approved new declassification standards for the Historical Review Group. How do these standards differ from past Agency practice? Can we see these new standards, or are they classified?

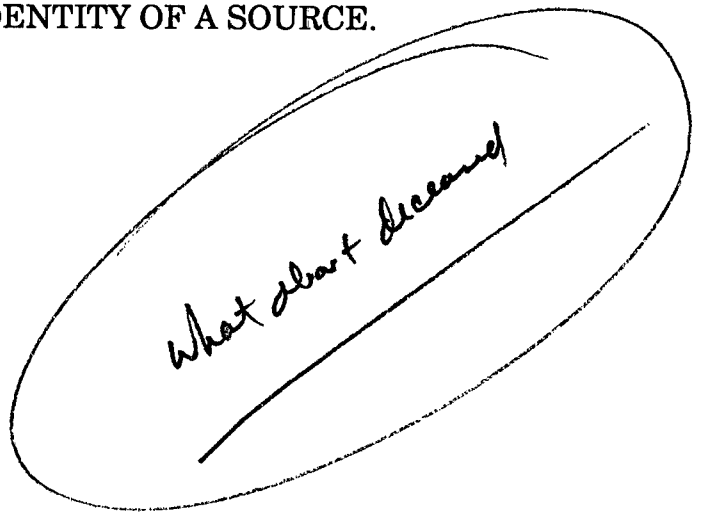
Answer: THE DECLASSIFICATION GUIDELINES THAT THE DIRECTOR RECENTLY APPROVED FOR THE HISTORICAL REVIEW PROGRAM DIFFER FROM PAST AGENCY PRACTICE BECAUSE THEY CREATE A PRESUMPTION IN FAVOR OF DISCLOSURE OF INFORMATION SELECTED FOR THE PROGRAM. REVIEWERS WHO ADVOCATE THE CONTINUED CLASSIFICATION OF INFORMATION IN THIS PROGRAM WILL BEAR THE BURDEN OF IDENTIFYING THE DAMAGE TO NATIONAL SECURITY THAT COULD REASONABLY BE EXPECTED TO RESULT FROM DISCLOSURE.

THE GUIDELINES ARE NOT CLASSIFIED, AND IN FACT WE ARE MAKING THEM AVAILABLE TO THE PUBLIC. I WOULD BE HAPPY TO PROVIDE THE COMMITTEE WITH A COPY.

NAMES OF SOURCES

Question: Is it your position that no names of Agency sources will be released if those sources were promised confidentiality? Does it matter whether the promise was express or implied? What if the source is now deceased?

Answer: CONFIDENTIAL SOURCES ARE THE LIFEBLOOD OF OUR BUSINESS, AND WE ARE EXTREMELY RELUCTANT TO RELEASE INFORMATION THAT COULD IDENTIFY A SOURCE, WHETHER THAT SOURCE WAS WITTING OR UNWITTING, AND REGARDLESS OF WHETHER CONFIDENTIALITY WAS EXPLICITLY PROMISED. IF WE DO NOT HONOR SUCH PAST CONFIDENCES, FUTURE SOURCES WILL NATURALLY BE HESITANT TO WORK FOR US. HOWEVER, WE DO NOT WANT TO LAY DOWN A BLANKET RULE, BECAUSE IN CERTAIN EXTRAORDINARY CASES, IT MAY BE APPROPRIATE TO CONSIDER DISCLOSING THE IDENTITY OF A SOURCE.



PROTECTING METHODS

Question: Will you seek to protect any intelligence method reflected in these records, or just methods that are currently in use? Why should we protect sources and methods that are almost 30 years old?

Answer: WE WOULD ONLY SEEK TO PROTECT INTELLIGENCE METHODS THAT ARE CURRENTLY IN USE OR MIGHT BE USED IN THE FUTURE, AND ONLY IF THE INFORMATION COULD COMPROMISE THAT USE. SINCE MANY OF THE METHODS REFLECTED IN THESE DOCUMENTS WILL BE DECADES OLD, I EXPECT THAT A SIGNIFICANT PORTION OF OUR MATERIALS CAN BE RELEASED TO THE PUBLIC.

LINGERING DOUBTS

Question: If the CIA decides to withhold some documents, won't the lingering public doubts you referred to still persist? You seem confident that these documents will show no CIA involvement in the assassination, but if there was such involvement wouldn't the "smoking guns" have been destroyed long ago?

Answer: NO MATTER HOW MANY DOCUMENTS WE RELEASE, WE WILL NEVER BE ABLE TO SATISFY THE DEDICATED CONSPIRACY THEORISTS. HOWEVER, UNDER THE JOINT RESOLUTION, THE REVIEW BOARD MEMBERS WILL SEE ALL OF THE DOCUMENTS THAT WE STILL NEED TO WITHHOLD, AND THEY WILL BE ABLE TO ASSURE THE PUBLIC THAT NO "SMOKING GUNS" ARE BEING WITHHELD.

DEPARTMENT OF JUSTICE LETTER

Question: Do you agree with the constitutional objections raised by the Department of Justice in its letter opposing the Joint Resolution?

Answer: I WILL DEFER TO THE LAWYERS AT JUSTICE ON ANY CONSTITUTIONAL CONCERNS.

DoJ LETTER -- SOURCES AND METHODS

Question: Do you agree with the Department of Justice view that "the identification of past sources and methods could easily compromise current operations and other national security interests"?

Answer: OUR APPROACH IS TO REQUIRE, ON A CASE-BY-CASE BASIS, A SHOWING THAT THE DISCLOSURE OF ANY PARTICULAR SOURCE OR METHOD REASONABLY COULD BE EXPECTED TO CAUSE DAMAGE TO THE NATIONAL SECURITY. IF SUCH A SHOWING CAN STILL BE MADE TODAY, THEN THE SOURCE OR METHOD SHOULD BE PROTECTED; OTHERWISE, THE INFORMATION SHOULD BE RELEASED.

DoJ LETTER -- STANDARDS FOR POSTPONEMENT

Question: We have laid out standards in section 6 of the Joint Resolution for postponing the release of certain information. The Department of Justice has stated that these standards are "unacceptably restrictive". Do you agree?

Answer: I HAVE TWO SUGGESTIONS FOR REVISING THE POSTPONEMENT STANDARDS IN THE JOINT RESOLUTION. FIRST, I WOULD ASK THAT DELIBERATIVE PROCESS AND OTHER PRIVILEGES RECOGNIZED IN THE LAW BE ADDED TO THE LIST OF POSSIBLE REASONS FOR POSTPONEMENT. ALTHOUGH SUCH PRIVILEGES PROBABLY COULD BE WAIVED IN MOST CASES, UNDER THE RESOLUTION AS IT NOW STANDS THEY ARE UNAVAILABLE EVEN IN THE RARE CASE THAT THEY ARE NEEDED. SECOND, I WOULD SUGGEST THAT THE IDENTITIES OF COVERT EMPLOYEES, PAST AND PRESENT, OF INTELLIGENCE AGENCIES BE COVERED BY THE POSTPONEMENT STANDARDS.

what is this -

need explanation -

POSSIBLE ISSUANCE OF EXECUTIVE ORDER

Question: We have heard that the President may be considering an Executive Order on the subject of disclosure of JFK assassination materials. Is that true, and if such an order is issued, is it your view that legislation on this subject will be unnecessary?

Answer: IT IS MY UNDERSTANDING THAT THE ADMINISTRATION HAS GIVEN SOME THOUGHT TO INITIATING AN EXECUTIVE BRANCH REVIEW OF JFK ASSASSINATION MATERIALS BY EXECUTIVE ORDER. IF THE PRESIDENT WERE TO ISSUE SUCH AN EXECUTIVE ORDER, THE NEED FOR LEGISLATION PROBABLY WOULD BE REDUCED IF NOT ELIMINATED WITH RESPECT TO EXECUTIVE BRANCH DOCUMENTS.

(NOTE FOR THE DEPUTY DIRECTOR: A draft Executive Order is being coordinated within the Executive Branch. CIA has pointed out that the draft's failure to provide for any independent review of declassification decisions and its incorporation of a broad exemption for classified information reduces the likelihood that Congress will find the Executive Order an adequate substitute for legislation. It is not clear at this time whether the Administration intends to pursue the Executive Order.)

CIA INFORMATION IN CONGRESSIONAL DOCUMENTS

Question: Are you asserting jurisdiction over any congressional document that contains CIA information?

Answer: NO. WE ARE SIMPLY ASKING THAT CONGRESS REFER TO THE AGENCY FOR OUR REVIEW ANY CIA INFORMATION CONTAINED IN CONGRESSIONAL DOCUMENTS, JUST AS WE ARE ASKING OTHER EXECUTIVE BRANCH AGENCIES TO DO THE SAME. SIMILARLY, IF WE IDENTIFY CONGRESSIONAL INFORMATION IN OUR DOCUMENTS, WE WILL REFER THAT INFORMATION TO THE CONGRESS FOR ITS REVIEW.

NO REVIEW BOARD

Question: If we adopt your proposal, and allow the agency to make the initial determination, would we really need a Review Board? Could we just have a single person (e.g., the Executive Director) review agency decisions to withhold documents?

Answer: I WILL DEFER TO OTHERS ON WHO SHOULD REVIEW AGENCY DETERMINATIONS, ALTHOUGH FROM A SOURCES AND METHODS PERSPECTIVE, THE FEWER PEOPLE WHO NEED TO SEE SENSITIVE DOCUMENTS, THE BETTER. I DO THINK THAT THE REVIEW PROCESS NEEDS TO HAVE SUFFICIENT CREDIBILITY WITH THE PUBLIC SO THAT REASONABLE PEOPLE WILL NOT WORRY ABOUT THE INFORMATION THAT IS WITHHELD.

SECURITY MEASURES

Question: You mentioned the need for security clearances for the Review Board and its staff. What do you have in mind?

Answer: TO FULFILL THE DIRECTOR'S OBLIGATION TO PROTECT SOURCES AND METHODS AND OTHER CLASSIFIED INFORMATION, WE WOULD ASK THAT REVIEW BOARD MEMBERS AND STAFF WHO NEED TO LOOK AT CLASSIFIED INFORMATION FIRST OBTAIN THE NECESSARY SECURITY CLEARANCES. IN ADDITION, WE WOULD BE HAPPY TO MAKE OUR DOCUMENTS AVAILABLE TO THE REVIEW BOARD IN OUR OWN SECURE OFFICES. OTHERWISE, WE WOULD ASK THAT THE BOARD FOLLOW ESTABLISHED PROCEDURES FOR THE SECURE HANDLING AND STORAGE OF SENSITIVE INFORMATION.

ROCKEFELLER AND CHURCH COMMITTEE MATERIALS

Question: Are materials collected in response to the Rockefeller Commission and Church Committee investigations also contained in the holdings you have described?

Answer: THE RECORDS CONCERNING PRESIDENT KENNEDY'S ASSASSINATION THAT CIA PROVIDED TO THE ROCKEFELLER COMMISSION AND TO THE CHURCH COMMITTEE WERE MADE AVAILABLE TO THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS AND ARE INCLUDED IN OUR RECORDS COLLECTED FOR THAT INVESTIGATION.

DID OSWALD WORK FOR THE CIA?

Question: Did Lee Harvey Oswald ever work for the CIA?

Answer: NO, OSWALD NEVER WORKED FOR THE CIA.

DID CLAY SHAW WORK FOR THE CIA?

Question: Did Clay Shaw ever work for the CIA? Was he paid by the CIA?

Answer: CLAY SHAW PROVIDED INFORMATION ON INTERNATIONAL TRADE ISSUES TO THE AGENCY WHEN HE WAS THE MANAGING DIRECTOR OF THE INTERNATIONAL TRADE MART IN NEW ORLEANS. THE CIA'S LAST CONTACT WITH HIM WAS IN 1956.

CIA DID NOT CUSTOMARILY PAY FOR FOREIGN INTELLIGENCE INFORMATION VOLUNTEERED BY AMERICAN CITIZENS. HOWEVER, TO ANSWER YOUR QUESTION WITH COMPLETE CERTAINTY, IT WOULD BE NECESSARY TO SEARCH THE ENTIRE COLLECTION.

OTHER FACTUAL QUESTIONS

Question: Do you think that the CIA's efforts to assassinate Castro were connected in any way to JFK's assassination? What were the Agency's connections to Giancana and the Mafia? Can you tell us about Operation MONGOOSE? Etc.

Answer: I HAVE NOT READ THE JFK MATERIALS, NOR DO I HAVE THE DETAILED KNOWLEDGE TO DISCUSS THE SPECIFICS OF ALL THE THEORIES THAT HAVE BEEN ADVANCED CONCERNING THE ASSASSINATION OF PRESIDENT KENNEDY.

that the information not be released based upon exemptions applicable to those particular agencies.

While I strongly favor maximum disclosure under the law, there are certain types of information that are particularly critical to successful law enforcement investigations and national security.

For example, information that is properly and appropriately classified, information that would identify confidential sources, and information that would disclose sensitive investigative techniques or the types of information, the disclosure of which could negatively impact upon our ability to fulfill our mission.

Information in FBI files that has not been disclosed publicly falls largely within these descriptions of information. In any case, I believe it is extremely health for the country to have these issues aired and to be resolved. The public interest dictates a final review of this horrific event.

Maximum disclosure, consistent with the law and the legitimate need to protect very limited amounts of sensitive information best serves that purpose. I have spoken to my colleague, CIA director Bob Gates who sits beside me, and others within both the executive and the legislative branches. I have heard no one express an opinion to the contrary. I know that represents the position of the Department of Justice. I applaud the task that you are undertaking, and I can assure you that the FBI has been and will be working vigorously to do our part in this matter.

Thank you very much.

SENATOR GLENN: Thank you very much. Mr. Gates, the information you indicate that was being sent to the archives today, will that be releasable? Is that released when it's sent to the archives, or will it still be under classification?

GATES: No, it will be declassified, Mr. Chairman.

SENATOR GLENN: Will it be available over there, or at CIA, or what will the availability to the public--how soon will that be available to the press ad to the public?

GATES: I think it will be through the archives, and I would assume almost immediately, within a day or two.

SENATOR GLENN: Fine. Are either of you aware of an effort underway by the White House to issue an executive order to release executive branch records on the assassination, Mr. Sessions?

SESSIONS: I am not, Mr. Chairman, it may be that the

Department of Justice whose representative, Mr. Leach, has knowledge of that. I have no such knowledge.

SENATOR GLENN: Is Mr. Leach here?

SESSIONS: Mr. Leach is a deputy assistant general from the office of legal counsel and he is here and he may know of such a matter.

SENATOR GLENN: Is there an executive order under way or being contemplated, do you know, Mr. Leach?

LEACH: Mr. Chairman, in an effort to achieve the shared goals of full and--full possible disclosure here, we have considered all the various options that might work that result. An executive order is certainly one of the options that's being discussed.

SENATOR GLENN: Is that being actively put together now?

LEACH: There is an effort under way to see if that would work, yes.

SENATOR GLENN: When would that be put out, do you know?

LEACH: I don't have that information.

SENATOR GLENN: Okay. Mr. Sessions, you're not aware of details of that?

SESSIONS: No, sir, I am not.

SENATOR GLENN: Mr. Gates?

GATES: I heard in preparation for the committee that that might be a possibility. But I don't know anything beyond that.

SENATOR GLENN: Mr. Leach, do you know how it would compare with what the legislation is that's before us this morning?

LEACH: I don't know specifically. I do think that various options have been discussed that would set up a review process internal to the executive branch for those materials that are held by the executive branch.

But since it's still in the drafting and consideration

stage, it remains to be determined.

SENATOR GLENN: Mr. Sessions, the Department of Justice wants the Congress to add the law enforcement exemption contained in the Freedom of Information Act to the bill, it was added in 1986. In discussions with your staff the committee was told that this exemption has not only narrowed the flow of Kennedy assassination information since 1986, but that if it had been in place prior to 1986 that instead of 90 percent of pages of documents being unredacted, that only about 25 percent would have been unredacted.

In other words, 75 percent of the material would be blacked out.

What's the rationale then for adding the exemption to a process which is designed to open, not close the records.

SESSIONS: Mr. Chairman, the law enforcement exemptions and the reasons for that are of course extremely broad. My belief is that persons for instance who would know of or learn of particular techniques that were utilized in law enforcement, if that happens it would be detrimental to law enforcement generally. But I would stand on the general proposition, as they expressed so openly here this morning, that is that we in the FBI should be prepared with particularity to defend a particular piece of information and the necessity of it not being divulged. The day that I was notified that there might be this review because of the JFK film, I indicated then that the FBI stood ready to comply with the law as it was enunciated by the Congress and the president of the United States.

We stand ready still to do that, and to defend those parts that we believe should be withheld.

SENATOR GLENN: The bill contains very specific exemptions which covers sources and methods of intelligence gathering or FBI work. It covers confidential sources and witnesses, privacy standards that extend to living persons and more, but you don't feel that these are adequate protections, is that correct?

SESSIONS: I believe that those are the basis for the adequate protections, and that we ought to look at each of them very carefully. And if the suggestion is for disclosure and the FBI does not agree with it, then it would have the burden placed upon it exactly as I think the resolution expects. That is that we should put forth the reason and take the burden of going forward with declaring that reason the importance of it in order to protect the information.

SENATOR GLENN: Mr. Gates, do you have any similar

concerns with regard to CIA? Or do you think there are adequate protections in this legislation?

GATES: I think the protection of sources and methods both as described in the bill and by Senator Boren and as I've described them are probably adequate.

SENATOR GLENN: The legislation appears to lump together human and technological sources and methods of intelligence gathering. Does that--on the type of information that could be released, is there any differentiation there, or are there other considerations there, or could those be lumped together?

GATES: I know of no reason without further reflection and consultation, Mr. Chairman, why they could not be lumped together. Overall, sources and methods are usually considered together.

SENATOR GLENN: The legislation also proposes that the review board's executive director will identify the agency records relevant to the assassination. That's a matter of qualitative judgment there, or specific judgment--relevant to the assassination. Some observers, including some of our witnesses today may suggest that letting the agencies make the first cut will simplify and expedite the process, but others will think that this will defeat public confidence in the independence and accountability of the whole process.

What's your view on this, Mr. Gates? Is that a problem?

GATES: Mr. Chairman, my view is that--or CIA is prepared to accept a definition of material bearing on the assassination as that which might be reasonably connected to it and I think as I indicated in my prepared statement, we are prepared to consider within the framework of assassination materials, virtually all of the materials identified in the course of both the Warren Commission investigation and the House Select Committee on Assassinations investigation. And in light of the discussion earlier here in the panel, I'd note that that includes material on Cuba and Castro and other such--the activities of Cuban exiles and so forth. So I think it's a fairly broad definition that would encompass virtually all that has been taken into account in previous investigations.

SENATOR GLENN: My time is up on this round. Senator Roth.

SENATOR: (Inaudible) respect to that particular

question. Thank you, Mr. Chairman. I think the suggestion has merit. To allow an agency to come forward and review and take those pages which it believes should be made public and they are made public and only to hold back those they believe should not be would greatly reduce the burden upon the director of the commission itself. And therefore, it does have merit and should be explored.

SENATOR GLENN: Thank you, Senator Roth.

.....

SENATOR WILLIAM ROTH (R-Delaware): Yes. If this legislation before us is enacted into law and you did touch upon this in your testimony, could you give me an estimate of what it require in personnel costs and estimated time to comply with?

SESSIONS: I might be able to give you some indication, Mr. Roth. My belief is that it's well known that the Freedom of Information and Privacy Act creates a substantial burden upon the FBI. There's about $16 million relegated to it in our budget and we have some--

SENATOR ROTH: How much is that? I'm sorry.

SESSIONS: About $16 million relegated to it in the budget. There are some 188 persons, including 105 analysts who work directly with that. By the way, that's a reduction in the last 10 years from about 220 that were in that position 10 years ago. The point is, those people if taken off for this kind of investigation immediately detract from our ability to answer the Freedom of Information and Privacy Act requests. Those are part and parcel of our business in making available to the public these very records about which we're discussing. So the costs that are related to it have to be measured in that sense, but also in the overall sense. The investigation in 1978 cost about $800,000--that is, to go through those records and begin the disclosure process. The estimates that I would make would be that it would--if taken in 1992 dollars and the $800,000 were then measured, it would be approximately one million, seven.

If you added additional costs, there might well be as much as a quarter of million dollars additional that would be required in connection with our review of those records and our dealing with those records directly.

I can't give you a firm estimate. It's just going from past experience.

SENATOR ROTH: What about time? How long do you think it would take you to complete the kind of investigation required under this legislation?

SESSIONS: There are presently released 223,000 pages of which 12,000 were withheld. Now, that means that the review of those could, I think, could take place in fairly short order, certainly a matter of a few months--maybe three or four months, it could be done.

There are other non-related files. There are also files that are out in the field, some of which are duplicated by our records here at headquarters. But I think we would be looking at a matter of months, Senator, in order to be able to do that.

SENATOR ROTH: Mr. Gates.

GATES: Senator Roth, we, as I indicated in my prepared statement, I have established a unit of 15 full time people working on review and declassification of historical documents. I have made these papers their first priority. I don't have any estimate of what the cost would be. We would be prepared to deal with that, and I think that the overall time involved, particularly given the condition in which we find these records, probably would be between six months and a year to complete going through them all.

SENATOR ROTH: Can you give me some examples of what sort of material would not be disclosed under either FOIA or the resolution procedure? Would more material be released under one standard, as opposed to the other?

GATES: I have established, as I indicated in my prepared remarks, we have prepared new guidelines for historical declassification. We are now proceeding to conform the guidelines for FOIA to those new, more forthcoming standards that begin with a presumption of declassification, particularly for 30-year-old material.

I think that at least at the present time, the standards established under the new historical guidelines at CIA probably would yield more documents, but as I say, we're in the process of beginning to conform our other document review to that. I don't know how long that'll take.

SESSIONS: Senator, as to a property classified matter that's classified pursuant to executive order 12356, we're talking about national security information specifically, as you asked, because it relates to intelligence sources, intelligence methods, intelligence activities, intelligence information from foreign governments or foreign confidential sources. Other types that would not be included we believe should be material that is highly personal such as home addressees and personal habits and medical information, and then of course most critical, I believe

also is the keeping confidential those confidential sources that have asked for confidentiality, because it's based upon that promise that the information has procured in the first place.

SENATOR ROTH: My time is about up but let me ask you one final question. Assuming that we're going to enact the proposed legislation into law, are there any recommendations you have to simplify the process and get the same results?

SESSIONS: Well, there was a suggestion you made earlier--in fact, I think you may have asked the question yourself--is there any way we can piggyback on the procedures that are listed and followed under FOIPA.

Well, the Freedom of Information Act has been a way of life in the Bureau for a long time. It's obvious that hundreds of thousands of pages are made available now and the processes of reviewing those documents for that release is a very tedious, time-consuming effort, very carefully done. So that we are pretty well in shape, because of the reviews that we have made, to be well along the line to reviewing all the documents, and that process has proven to be very fruitful. I think therefore the suggestion that was made earlier in Senator Boren's testimony that there might be a way to put some burden upon the agencies themselves to make that initial review, make available what they chose to and what they choose to withhold, then have to justify it and give their rationale for it and the necessity for it before the commission.

GATES: Senator, I would agree with what Judge Sessions has said. I think that the idea of getting this material out as quickly as possible would be well served by reasonable time limits on the agencies to review and declassify documents, and then for whatever panel or group is set up, if the legislation is passed and signed by the president, then to have to deal only with that material that's either been redacted or held back, so it would significantly reduce the burden on the panel and allow them, I think, to act much more expeditiously. That's a personal opinion.

SENATOR GLENN: Senator Levin.

SENATOR CARL LEVIN (D-MI): Thank you, Mr. Chairman.

First, I wonder if we could get a little better idea as to the material which has been reviewed by the FBI. Can you give us an estimate of the total number of pages that you have and how many have been released?

SESSIONS: Yes, I can do that. There are 499,431 pages, so far as we know, at this count, Senator. Of the pages

that have been processed thus far--

SENATOR LEVIN: If you could just stop right there because that's where the confusion is. Can you tell us how many pages have not been processed, and then go from there to how many pages have been processed?

SESSIONS: Yes, there are 263,639 pages that have not been processed. Many times that is because there has been no request and some of those are files that, for instance, are out in the field office. There are 102,000 pages out in the field offices that have not been processed here. I have the breakdown on what that 263,639 is made up, and I'll be glad to provide that for you.

SENATOR LEVIN: That's fine. So the majority of the materials have not even been processed, much less released.

SESSIONS: There are 263,000 pages that have not been processed nor released. And that's principally because there have been no requests for those.

SENATOR LEVIN: I understand, for whatever reason.

SESSIONS: Yes.

SENATOR LEVIN: Now, we have the rest of the figures and that's a good answer to my question. I understand the balance of the figures. I wanted to get to--

SESSIONS: What I've done is made available for you the charts that reflect those specific numbers as to both core files and as to the related files.

SENATOR LEVIN: All right. Now Director Gates has testified this morning that the historical review program that he has created in the CIA specifically directs a presumption in favor of declassification. Do you agree with that?

SESSIONS: I have no argument with that and I have testified this morning that I believe the burden should be upon us in the agency to justify withholding that which we believe must or should be withheld.

SENATOR LEVIN: But in terms more precisely of directing that there be a presumption in favor of declassification, do you support there being such a presumption?

SESSIONS: I think that it's very clear that everybody

in a responsible position believes that there should be a presumption that it should be disclosed, but that then the burden falls upon the agency to actually justify the withholding of that information.

.....

SENATOR LEVIN: Do you believe that the executive branch should have a veto over materials in the possession of Congress?

SESSIONS: In some instances that is, I think, quite appropriate. For instance, if documents were provided in the assassination investigations that fall into that category, the information falls into that category which we believe should be withheld, it would make a nullity out of our withholding it if, in fact, the Congress was able to release it.

So I'm willing to bear the burden of going forward with the reasons why it must not be released, and I would think it would be sound not to have the Congress simply release those things which an agency believes must, for a very particular articulated reason, be withheld.

SENATOR LEVIN: The answer to the question then is that you believe that you constitutionally have the right to veto under a privilege or that you should be given that right under legislation?

SESSIONS: Senator, I'll defer to the Department of Justice and its legal counsel here or its rationale that it pursues.

SENATOR LEVIN: All right, let's proceed because of our time limits.

The FBI has apparently indicated that it's continued investigation into the assassination, that it has uncovered two witnesses that were there, that had previously not been interviewed apparently. Can you tell us if that's true and what did your investigation disclose? Apparently two hobos, as they were described?

SESSIONS: Without disclosing what the nature of the interviews were, that is correct. It is my understanding that there were additional people that were found that were from the police records, I believe from the police records there in Dallas, that disclosed those two people. There may have been three, and I think they were interviewed, Senator. I have not reviewed the others, but I believe that's correct.

SENATOR LEVIN: Can you tell us what the outcome of the interviews were?

SESSIONS: It was essentially negative. That is, there was nothing that they could have added to the investigation; nor were they in any way involved.

SENATOR LEVIN: Now, your testimony this morning is quite different in tone from the attorney general's letter to the chairman. I must tell you I welcome that. The letter of the attorney general, number one, says it's going to be vetoed in its current form, this resolution. Number two, it's about nine pages of single spaced strenuous objections. The words ''strongly object'' appear so often that I stopped counting it--I think about a half a dozen times.

It was a very negative letter from the attorney general relative to this legislation. And at the end of that letter, in addition to threatening the veto, it said that we're developing an alternative draft resolution, whereas your testimony this morning--again, it's a much more positive tone and again, to emphasize, I welcome that tone; I think it's appropriate that the administration respond positively and try to work out what differences there are, but in your testimony it says the attorney general has asked me to communicate to you that the department stands ready to work with you to craft changes to the resolution.

Do I then understand that we're not going to be receiving an alternative draft but rather that the department is going to instead be attempting to work out differences by amendment?

SESSIONS: First of all, it's not my responsibility to defend the attorney general in his very careful laying out of objections that do occur in the process of review. It's a lawyer's responsibility to do that when he believes that in fact there are matters that need to be brought to the attention and considered. So I look on it, and I've read the letter, as a very careful review of what is proposed. Secondly--

SENATOR LEVIN: My question is will this now be done through seeking changes in this draft, rather than submitting a totally different draft?

SESSIONS: It is my understanding that the department stands ready to cooperate with the committee and with the Senate and the House, and Mr. Leach is here as an evidence of that, that they intend to pursue trying to work out those objections and the format in which the ultimate resolution would be presented.

SENATOR LEVIN: I think my time is up and I don't want

to cut into Senator Cohen's but I just want to make a statement in concluding.

I haven't had a chance to ask you any question, Director Gates. I very much welcome your testimony this morning and the feeling and the emotion with which it was delivered. I think it's important. It reflects the feeling of the public, as well, that we not allow any suggestion of cover-up or conspiracy to interfere with what we must know, which is the total truth. The way you phrased it, based on your own personal experience, I think is very compelling and reflects a determination on the part of all of us to get it all out there, except for very narrow exceptions, obviously, to protect certain compelling interests. But the feeling and the strength of your testimony, I think is important and I hope that that carries through to an ability to pass legislation this session which I hope just lays it all out there so that the public can judge, again, subject to very narrow exceptions which the public would, I think, understand.

SENATOR GLENN: Senator Cohen.

SENATOR WILLIAM COHEN (R-Maine): Thank you, Mr. Chairman. I think, Senator Levin, what you're seeing is a kinder, gentler voice of the Justice Department coming forward this morning, as opposed to the letter you received. Mr. Gates, let me return to the Oswald file. I must tell you that in going back and reading all of the material on Oswald--not this particular file, but I found it rather difficult to comprehend a situation where you would have a Marine stationed in Japan who has access to U-2 flights, who defects to the Soviet Union, who marries a high ranking--daughter of a high ranking KGB officer, who then re-defects to the United States and then takes up residence here. That throughout that time, according to the testimony that I've read in the past, no one from the KBG ever interviewed Mr. Oswald. We had a situation shortly after he re-defected to the United States and President Kennedy was assassinated.

We had the defection of Yuri Nasenko (phonetic), a very famous case that you're familiar with involving James Angleton and what unfolded from that. And so there were great doubts that developed that say, didn't someone ever talk to Lee Harvey Oswald in the Soviet Union. In this resolution under Section 10, there's a non-binding (inaudible) of the Congress that calls upon the secretary of State to contact the Russian government to seek the release of all KGB and GRU documentation that's relevant to the Kennedy assassination.

Could you tell us whether or not you've had any contact with any of the Soviet officials through the working of the State Department or through the CIA, whether there has been

any indication on their part, that they are willing to reveal their files? And if so, whether those files have any information that would be helpful in this entire investigation?

GATES: There has been no contact between CIA and the Russian KGB on this matter. I would have to check and provide an answer for the record for the committee whether someone from the State Department has made a request of the Russian government for those archives. I think that may have happened but I'm just not certain.

SENATOR COHEN: Would you, in your experience, find that equally hard to believe, that someone, when a military personnel defects to the Soviet Union and marries a Soviet or Russian woman--a daughter of a KGB official--that someone would contact that individual to either brief him, debrief him, whatever?

GATES: Just speaking in very broad and generic terms, I would think it unusual not to have had some contact but I don't know if this case.

SENATOR COHEN: You both mentioned I think, Director Sessions and Director Gates--you both mentioned there might be a situation where you want to protect medical records of individuals who were involved because of privacy concerns. Let's suppose you have an agent who has knowledge of some aspect of the Kennedy assassination and that particular individual has a record of mental instability. And it might call into question his or her veracity or reliability. Would the interest in protecting the medical records outweigh that of someone assessing the reliability of that individual who may have provided information be weighed?

GATES: Part of the danger of having a non-lawyer answer these questions is that I'm inclined to answer them. (Laughs) My reaction to that on a purely hypothetical basis would be that if the information from the source were indeed germane, then I think that would fall into the category that I described and that I think Senator Boren referred to where we ought to be able to find some way without revealing the identity of the source to reflect on our level of confidence in the source.

SENATOR COHEN: Okay. I'm going to give you a chance in a moment, Judge Sessions. I just want to move on quickly, because we have Mr. James--I think, Lazar--who's going to be testifying shortly and I will not be here for that either. But he questions the issue of intelligence sources, that the bill

provides that disclosure can be postponed if the release of that information would reveal an intelligence asset. And Mr. Lazar suggests that number one, that should apply only if that particular agent is living; and then secondly, even if living, that the burden would be upon the agency to present by clear and convincing evidence. that disclosures of the identity of that particular agent would in fact present a danger to him or to his family, I assume, or serious damage could result from the disclosure of his identity.

Could you, number one, give us some instance in which disclosure of a deceased intelligence agent or asset would be contrary to our national security interests? And then secondly, address the issue of clear and convincing evidence that the agent being alive, that he might be jeopardized by that disclosure?

GATES: At the root of effective intelligence work is our ability to deal with people who are willing to provide us with information and to assure them of confidentiality and that their identity will be protected. The Congress has recognized that. The Congress has even recognized the importance of protecting the covert identities of American case officers dealing with such foreign agents.

I believe that we have an obligation to protect the confidentiality of our sources, regardless of the amount of time that has passed. And I believe that if the agent is deceased, that we also have to take into account the potential considerations for that agent's family. There are many countries in the world today, in which despite whatever political changes have taken place, families of those who have defected or who have proven to be agents or who are revealed to have been agents are persecuted or mal-treated or where their life becomes much more difficult, and I think we have an obligation to these people.

I think you--I think we are not in a position of saying ''never.'' But I think that any decision with respect to revealing the identity of a source or an agent, even 20 or 30 years after the information was reported is one that has to be taken with enormous care and deliberation, one that must involve knowledge of the particular circumstances involved, both at the time the information was received and the circumstances of the agent and his family.

In short, so important is the ability to protect the confidentiality of sources that a decision to reveal that identity would have to be the result of the most careful consideration.

SENATOR COHEN: My time is up. Thank you, Mr. Chairman.

.....

SENATOR GLENN: Thank you, Senator Cohen. Let me associate myself with the remarks of Senator Levin with regard to your remarks, Mr. Gates, in particular the last part. That was a very forceful, a very fine statement--and I wanted to associate myself with Senator Levin's remarks to you on that.

Mr. Leach, I don't know whether you came prepared to talk about the letter this morning and all that, but I share Senator Levin's views of the letter. It was an extremely strong letter, that it was so strong that I interpreted it one of two ways. Either the administration is really truly against the release of information, doesn't want to release information, is throwing up all sorts of roadblocks here to prevent it because the administration has not basically been forthcoming in the release of information that could be released and should have been released possibly years ago.

So it's either that, or this is viewed here, or I would view it, as possibly a holding action to delay until this executive order that's being prepared over there has a chance to come out and sort of pre-empt this legislation. Now, I don't know whether that's a fair assessment or not.

But this was a very, very strong letter. It didn't agree with much that has been proposed in this legislation, I must say, and raised all sorts of constitutional grounds, prerogatives, presidential prerogatives--it was just across the board here, and I won't bother--it's a very length letter: ''encroachment is unconstitutional under existing Supreme Court precedent,'' and ''executive branch information cannot be so limited,'' and a whole bunch of things in here, and then winds up saying that the bill as written would probably be vetoed. Is that still the view of the administration.

LEACH: Well, Mr. Chairman, we have, as expressed in our letter, some serious reservations about parts of the bill as written.

SENATOR GLENN: That's the understatement of the morning.

LEACH: However, I would note that our letter also expressed our willingness to work with the Congress in fashioning amendments or alternatives, and we stand ready to do that. We are--the Department of Justice is committed to the purpose of the legislation, which is stated in Section 2, to secure the expeditious disclosure of records relevant to the assassination as soon as practicable, consistent with the public interest.

And to the extent our letter conveyed that we were not ready to do that, I think it was a misimpression. We are ready

to work with the Congress to address our concerns, which, though we view them as important, are somewhat technical and we think can be corrected without sacrificing any interest in disclosure.

SENATOR GLENN: Well, we're happy to work together on this, but as the bill is written right now, you'd recommend a veto, is that correct?

LEACH: I believe what the letter says is that the department would consider recommending a veto.

SENATOR GLENN: Well, I'd have to look at specific language here, but there isn't any doubt about the veto recommendation, not that that exact wording makes that much difference. Yes, ''...serious consideration to recommending presidential disapproval.'' Okay, you're right.

Now, with that, can you run through very briefly, just summarize for us the parts of the legislation that you disagree with so strongly that you would recommend a veto?

LEACH: Our concerns are basically of two types. The first is the appointment mechanism for the review board and its executive director. As I mentioned, I think those are somewhat technical. Senator Boren this morning had suggested some proposed alternatives to that that we would certainly be happy to look at and consider. The concern is that the appointment of the review board and also the appointment by the review board of the executive director may be inconsistent with the appointments clause of the Constitution, as we understand it, after Marson v. Olson and the more recent case of Freytag v. the Commissioner, which was decided by the Supreme Court last year.

Our second concern is one that also has been expressed this morning by Senator Boren, among others, and that is in attempting to enumerate the standards in Section 6 for postponement of disclosure, we agree with the sense of the resolution that there may be rare instances in which disclosure should be postponed in the public interest.

We do think, as everyone has expressed, that they would be extremely rare. However, it would be I think not responsible for us to try and address all the possible situations that might occur in the legislation, and we think there are some areas, as have been mentioned this morning, where the standards in Section 6 might be improved.

SENATOR GLENN: Okay, we're going to have to move along here. I hope you would respond to any additional questions we may have so we can include them in the record. We may want to respond to the Justice Department letter so we clarify some of these things that we don't have time to really

go into in real detail this morning, so we can get together and work this thing out. I think we're trying all to work to the same objective on this thing. The letter left us a little bit in doubt perhaps as to whether that was true.

But perhaps we can get together on that and get a satisfactory resolution of our differences here so we can move ahead with this.

Thank you very much, gentlemen.

END OF COVERAGE

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The Reuter Transcript Report

Governmental Affairs/Assassination (12th and final add)

May 12, 1992

REUTER

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THE REUTER TRANSCRIPT REPORT

HOUSE GOVERNMENT OPERATIONS LEGISLATION AND NATIONAL SECURITY SUBCOMMITTEE HEARING
Topic: H.J. Res. 454, Assassination Materials Disclosure Act of 1992
Witness: CIA Director Robert Gates
May 15, 1992
(First Add)
*****

x x x Mr. Chairman.

REP. JOHN CONYERS JR. (D-MI): Thank you very much, Mr. Gates. We appreciate your statement. And I only have a couple of observations.

Putting them altogether, I'm interested in how much material has been destroyed by CIA that we may never know about? Why the Lee Oswald file was opened at the CIA 14 months after his defection. Was Oswald in fact a Soviet spy? And was that picture in his file that was thought to be him, was that an error? Or was there something involved in that that you can shed some light on?

GATES: Well, at the risk of appearing appallingly ignorant, Mr. Chairman, I don't know the answers to any of those questions. But I will take them for the record and respond quickly to the committee.

REP. CONYERS: Well, thank you so much.

We're here against the background of history and the fact that this is the murder of the century. A president of the United States, sitting president. And I thought it was exemplary of the CIA--I never thought I'd be saying this this morning, either--to find out that you had permitted your representatives to discuss the subject matter with various think tanks around the city, one of which was included was the Institute for Policy Studies, whose cofounder is Marcus Raskin.

And I was told that there was a very candid exchange about this subject matter which was the purpose of the meeting. Some dozen or more of your representatives were meeting with them.

And I think that that is a very healthy sign of the times. I never thought it would happen, so I never thought I'd say what I am saying today. But one of the parts of that discussion was that Oliver Stone, the producer of the movie, has been parading around the country saying that you will not meet with him.

And as a conciliatory member of this Congress, could I facilitate such an arrangement so that it would help relieve the confusions and the disturbances of a lot of people, since he

has, as a result of this movie, become apparently an expert on this subject?

GATES: Mr. Chairman, I would characterize him as a self-styled expert on this subject. I am no expert at all. I think I have moved very far in the direction of releasing these documents, as you indicated at the outset of the hearing. I think that the agency has in many ways set a standard in terms of its willingness to release these documents, and our determination to do so whether or not there is legislation.

Frankly, I find that the allegations contained in the--that I have been told about in the movie; I have not seen it--are offensive to the agency, and to the American government, and to a number of people who were in office at that time from the President of the United States on down, President Johnson on down.

It is not entirely clear to me what particular purpose would be served by a meeting between myself and Mr. Stone.

REP. CONYERS: Can you tell me about the sympathy and understanding that you may have for the American people's confusion and differences of view about whether Lee Harvey Oswald was alone the sole assassin of the president?

GATES: Well, my view, and it's a very personal view, Mr. Chairman, is that--and I have never made a study of the assassination; I have not read the many books that have been written about it--but my personal view is that the enormity of the event and the sense of tragedy that the American people felt, and still feel, over that event, is so great that the idea of a single individual, a single irrational individual, committing an act of such enormous historical consequence is enormously difficult to--for them to accept at face value.

And in many respects, it is similar to the continuing controversy over the assassination of President Lincoln, as more than 100 years later we still read books about conspiracies and so on in that respect.

And by the same token, and with all due respect to his memory, there doesn't seem to any similar kind of controversy about the assassination of President McKinley.

And so I think it is the inability of a lot of people to accept such an irrational act with such enormous consequences that has contributed to this. And I think that the--one of the concerns that grows out of this film is not that people accept it at face value but rather than particularly young people who may not read much history and may not read the reviews and may not read what historians have to say that is critical about the movie, but come out of it with the sense that there is some fire in all that smoke; that he may not have it right, but there must have been some sort of conspiracy.

And I've had, as I indicated to you the other day, I had a conversation about this with a distinguished United States Senator who had sent some of his smartest young staff out to see the movie, and they came back and the reaction was not that they accepted what the movie said, but their concern that their government had in some way been involved. And frankly it was that more than anything else that prompted me to decide that it was imperative to get these documents out and try to dispel the

suspicions that had been created.

REP. CONYERS: Thank you very much. Mr. Schiff.

REP. STEVEN SCHIFF (R-NM): Thank you, Mr. Chairman. First, Director Gates, I want to thank you for appearing personally here. I know that you have a heavy schedule, and I'm sure all the members of the committee do appreciate that.

I have just a few questions, but I do have a couple of observations on your statement. The first is, I do not know personally whether Mr. Oliver Stone who testified before us at the last hearing is a real expert on the assassination of President Kennedy, or as you suggested a self-styled expert.

I do know this, though. I do know that it's because of his movie that members of the Congress of the United States are discussing this matter publicly with the director of the CIA. And I'm quite positive that his movie has caused all of that to happen today, and I personally give him the credit for that.

Second of all, I note your observation that there is not a lingering conspiracy theory involving the assassination of President McKinley. To your knowledge, anywhere in the government, your agency or elsewhere, are there any documents or information which for any reason are not being released with respect to the assassination of President McKinley?

GATES: Well, I can't speak to that from direct knowledge, Mr. Schiff. But I will say that since it predated CIA's formation by 47 years, I imagine not.

REP. SCHIFF: Well, you see, I think that's the central point here, is that there is--I'm not sure we'll ever resolve all the questions about the assassination of President Kennedy. You are correct that we have not resolved all the questions about the assassination of President Lincoln. On national TV I saw a program recently suggesting that John Wilkes Booth did not actually die as suggested, and gave reasons for that.

But the difference between the assassination of President Kennedy and these prior terrible assassinations in our country's history is, this is the one situation where the government, for whatever reason, and for whatever circumstances, still holds information which it considers to be confidential.

And that's the root of this controversy now, and that's the root of this hearing, I think.

And I made a note of items that you as director of the CIA would consider to be still--to still warrant confidentiality today. And I made notes of three. If there were more, I apologize that I missed them. I'm not talking about the procedures, which you made observations about, and which I think you'll find the committee willing to discuss with the executive branch.

But three classifications of records. The first is personnel records involving, I gather, government agents, perhaps CIA agents, fitness reports and credit reports, first of all.

Second of all, the privacy issue because government

files often accrue totally unsubstantiated information which can be fairly characterized as gossip, but which do get into the files when a total investigation is done; and third, where we've made a specific promise of confidentiality to a particular informant.

Before I ask you about those three, can I just ask, are there any other areas of documents that you as director of the CIA believe should not be released in terms of a generic category like these?

GATES: No, I would only include in the protection of sources also the protection of intelligence methods. But I think you've captured it.

REP. SCHIFF: Let me just go back on each of these briefly.

On protection of personnel records, why would those have gotten--I understand what you're talking about. I think we all do matters where there is internal monitoring of your own agents, which I understand is a necessity at times, why would those records have gotten into the assassination records on President Kennedy? Why are they mixed in there, do you know?

GATES: I don't really know, Mr. Schiff. I think, as I understand it, from the materials that were prepared for me, a great deal of documents were swept up in the material that is kept, and as my statement indicates, I don't think I read this part of it: These files contain everything from the most mundane newspaper articles, which are obviously not classified, or shouldn't be, to the most sensitive intelligence sources.

And so I think it's just a hodgepodge. As I also indicated, part of the problem that we have in going through these documents is that they are not indexed; they are not catalogued; and they really have no organization to them.

So when I started asking some months ago what was in the documents, what did we have, it actually took quite some time even to perform a survey to get some kind of idea of what kinds of records were in there.

But I assume that these kinds of things were just swept up with a lot of other material.

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The Reuter Transcript Report
Assassinations/hearing (first add)
May 15, 1992
MORE

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THE REUTER TRANSCRIPT REPORT

HOUSE GOVERNMENT OPERATIONS LEGISLATION AND NATIONAL SECURITY SUBCOMMITTEE HEARING
Topic: H.J. Res. 454, Assassination Materials Disclosure Act of 1992
Witness: CIA Director Robert Gates
May 15, 1992
(Second Add)
*****

x x x other material.

REP. SCHIFF: Well, let me go on to one of the other categories, and that is, where the government has given a promise of confidentiality, the government ought to keep that. Can't the information be released without revealing the informant? Because I think it's the information that is desired here, not necessarily the identity of who provided it.

GATES: My own view, Mr. Schiff, is that that should be the case in almost every instance.

REP. SCHIFF: Finally with respect to intelligence methods, I understand that there's a national security point there. But we are also talking about 30 years ago, approximately.

Are our intelligence-gathering methods so unchanged in 30 years that you believe that revealing how agencies gather and collect and evaluation information would present a national security risk today if revealed?

GATES: Well, first of all, if an intelligence method is no longer in use, then I think it no longer--and there's little prospect of it ever being used again, I see no reason to protect it.

I think here again, though, that the focus should be on the information provided by these sources and methods, rather than the identification of the sources and methods themselves.

The only reason I would seek to protect them is in those instances in which those techniques are still being used, or we think there is a good chance they will be used again.

With respect to sources, I think that we have a much longer standing commitment to protect them. But again, I'm prepared, either under the legislation, through the board that would be established, or in the absence of legislation, through an outside panel, to let people who are not in the intelligence business review any of that material that we had held back to see that we had justifiable reasons for doing so.

REP. SCHIFF: So your overall position, Director

Gates, is that everything that can be released should be released?

GATES: Absolutely, Mr. Schiff.

REP. SCHIFF: Thank you very much. I yield back, Mr. Chairman.

REP. CONYERS: Thank you, Mr. Schiff.
The chair recognizes Mr. Thornton.

REP. RAY THORNTON (D-AR): Thank you very much, Mr. Chairman.

And thank you, Director Gates, for a very forthcoming and positive testimony before this committee. I think that it is important to emphasize that we share an interest in disclosing all of the information related to the substance of this without jeopardizing the capacity of your agency to conduct its business.

And in fact, Section 6 of the proposed resolution says that disclosure to the general public of assassination material or particular information in assassination material may be postponed if its release would--and there's a whole list--but among that list is, if an intelligence source or method which is currently utilized or reasonably expected to be utilized by the United States government is involved.

And Director Gates, I believe that you're telling us, and I want to ask you directly, that if the standards that are contained in this resolution were adopted, and the CIA's records as you have suggested they should be, were released, with those safeguards, do you believe that any sensitive sources or methods would be revealed or compromise by the information which is released?

GATES: I think that the provisions that provide for the protection of sources and methods and that allow us ultimately the president to have the final say would provide adequate safeguards.

REP. THORNTON: The protections in the bill for intelligence-related information then are sufficient?

GATES: Yes, sir. I've indicated in my testimony we would ask the Congress to consider I think two additional categories of information. I mentioned executive privilege, or deliberative process. Attorney-client kinds of information.

Again, we think that there would be very little information that would be withheld under those circumstances, but without mentioning it, that recourse would be denied.

The second is, I think it would be useful to pick up on the same protection that the Congress has granted in separate legislation in terms of not revealing the names of covert employees of U.S. intelligence agencies.

REP. THORNTON: I appreciate those suggestions. But in summary the release of the CIA records in accordance with the general outline contained in this resolution would not damage any current CIA operations; is that correct?

GATES: No, sir, not in keeping with those safeguards.

REP. THORNTON: I know, Director Gates, that you've recently released, as you told us, some materials regarding Oswald. Can you make a commitment here to promptly release all of the files about the CIA's operations against Fidel Castro in the late '50s and early '60s?

GATES: We certainly--the files concerning Operation Mongoose, AMLash (phonetic), and so on, are included in the documents that will be reviewed in the--

REP. THORNTON: That was my specific followup question as to whether those files would be included in the material.

GATES: Yes, sir.

REP. THORNTON: I want to thank you again for your testimony. Like you I have not seen the movie, and that is not the basis of my concern. The basis of my concern is to make sure that all of the information that is in government possession relating to this assassination be released. Because in addition to the movie, I believe there are some inferences drawn by the House committee on investigations, and by the Garrison jury, that while no showing of a government conspiracy, that there were allusions to the possibility of an external conspiracy, and whatever may have existed needs to be dispelled by having the light of full disclosure shown upon the events of that time.

Would you agree with that, sir?

GATES: I agree with that totally, Mr. Thornton.

REP. THORNTON: Thank you. I yield back the balance of my time.

REP. CONYERS: Thank you very much, Mr. Thornton. The chair recognizes Ms. Mink.

REP. PATSY T. MINK (D-HI): Thank you very much, Mr. Chairman. I too want to commend the forthright position that you've taken as the head of the CIA in initiating steps to release important documents that will contribute to the better understanding of the public at large as to what exactly happened.

I also agree with my colleagues that while the conclusions and inferences that were part of Oliver Stone's movie are under question, and perhaps totally negated by your agency, they are nevertheless, the basis for the renewed attention and concern as to exactly what happened on that day.

And therefore, it seems to me appropriate that the chair of this committee asked you to direct your attention to the content of that movie, because what we need now is an informed basis upon which to look at it.

I happen to have seen it, unlike some of my colleagues. And there are a number of very troublesome questions that the movie raises, and I am in no position to

evaluate it, as most of the people in the country. And therefore, the disclosure of these documents are extremely important.

Looking at your testimony, Mr. Gates, I notice that you indicate that some of the documents which are relevant to this inquiry cannot be released by the CIA because they are in fact documents which belong to other agencies.

Would you comment on that and clarify that particular statement in your testimony?

GATES: Yes, ma'am. In the course of the post assassination investigations, a great deal of information was shared among the agencies. For example, in the 17 boxes of Oswald records that we have, approximately 40 percent of those documents originated with the FBI, and were simply made available for information to CIA.

About 20 percent originated with the State Department or other agencies, immigration and naturalization and so on.

Under the third-agency rule, it is our obligation to leave it to those agencies to declassify their own documents. We cannot do that, and by the same token, they exercise the same practice with us.

REP. MINK: Now, would the legislation that we are considering now make it possible for your agency, as the custodian of records that you have been given by other agencies, be included in your own disclosure? Can we make that possible?

GATES: I don't think the legislation would do that, Mrs. Mink. I think that it would simply require those other agencies to undertake the same steps that we are in terms of reviewing for declassification the documents that they originated.

We don't hold the record copies of those documents. We simply have copies of them.

REP. MINK: Now, in the materials that you have volunteered for disclosure, with reference to Oswald, how much of the materials in your possession, therefore, had to be excluded because they were documents that your agency had been provided by other governmental agencies?

GATES: Let me answer, and then check with my colleagues to make sure I got it right, in this very thin file, of the 34 documents, I think only 11 were originated by CIA. My impression is that the others had all--belong to other agencies had all already been declassified. That's correct.

REP. MINK: So that we have the total file with reference to Oswald now in the public domain?

GATES: The total file that CIA had in its possession.

REP. MINK: But you just said that all the other agencies have also already declassified, meaning that they are part of the public domain, and cannot be obtained, if not necessarily voluntarily released by those agencies, are now available public documents?

GATES: I don't know whether that's the case or not. Only the documents that we had from them have been released as part of the file we released. They may have other documents pre-November 22nd, 1963 that we didn't have.

REP. MINK: In other words, in reference to Oswald everything that you had in your possession, regardless of whether it belonged to other agencies, because you found them to be declassified, have all been released?

GATES: That's my understanding, yes, ma'am.

REP. MINK: Now, there is a Washington Post article of May 14th which suggests that the materials that have been disclosed with reference to Lee Harvey Oswald contain nothing new. Is that your understanding also of the documents that you released to the archives?

GATES: As I indicated earlier, I am certainly no student of this material. I do not know the answer to that question.

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The Reuter Transcript Report
Assassinations/hearing (second add)
May 15, 1992
MORE

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THE REUTER TRANSCRIPT REPORT

HOUSE GOVERNMENT OPERATIONS LEGISLATION AND NATIONAL SECURITY SUBCOMMITTEE HEARING
Topic: H.J. Res. 454, Assassination Materials Disclosure Act of 1992
Witness: CIA Director Robert Gates
May 15, 1992
(Third Add)
*****

x x x that question.

REP. MINK: Does anyone in the room here from your agency have an answer to that question?

GATES: Some of the documents had not previously been released, so would have represented new information.

REP. MINK: Might we know today what exactly were new items that had not been released previously?

GATES: This is David Grease (phonetic). He is the director of our center for the study of intelligence.

DAVID GREASE (director, center for the study of intelligence): Mrs. Mink, some of these documents had been previously released. About half of those that are--originated at the CIA.

Among the documents of other agencies that were in our files, it's my understanding, but this would have to be verified, that almost all of them, if not all of them, had been previously released.

REP. MINK: So what consisted of new information that the public had not already had in its published files somewhere? } Q.

GREASE: Yes, I understand. We would have to respond to you separately from that. I cannot from memory tell you precisely which documents were new. } A.

I do know that the new ones are not of much consequence. They do not contain any information that is particularly enlightening. But we can tell you after the hearing what those are.

REP. MINK: Can you explain a second, if the CIA had been alerted by the State Department by a cable dated October 31st, 1959, with respect to Oswald's defection, why the CIA did not open a file until 14 months alter?

GATES: I don't think we have the faintest idea, Mrs.

Mink.

REP. MINK: There was no policy in effect in 1959 with reference to persons who publicly announced defection to the Soviet Union?

GATES: I just don't know.

REP. MINK: Has there been any inquiry made within the agency to determine that 14-month lapse?

GATES: I don't believe so.

GREASE: We did attempt to contact people who might have been involved at the time, and that largely failed, and in addition, we gained no information. We don't know.

REP. MINK: Now, I don't know the basis of this conclusion in the news article, but it indicates that the materials that were turned over to the National Archives, did not indicate that they were originals, unexpurgated originals, as the article says, that the materials turned over had been altered, revised, in some way by the CIA before they were released to the archives. Is that a true statement?

GREASE: It is not correct to say that they were altered or revised. Our effort was to furnish the file that we had. That file contained copies of original documents. Therefore we thought it appropriate to furnish precisely what we had.

What might be characterized as alterations by some by us are redactions of the kind of material that Director Gates has described to you, meaning some numbers, some names, but I can assure you, nothing of any consequence.

These are Privacy Act considerations and things of that nature.

REP. MINK: Mr. Gates, one final question: In your testimony you indicated that you did not support vesting in an outside body the determination of whether CIA materials related to the assassination can be released to the public, and to agree to that would be inconsistent with your statutory responsibility.

I take it, then, that you oppose the provisions in this bill which call for such vesting in an outside body?

GREASE: Frankly, my own view is that the provisions that provide that the president can have the final say, normally I would not shift to the president my burden for protecting sources and methods. But it seems to me that, given the unique circumstances of this case, it seems to me that that is one part of the bill that we could find a way to work around.

REP. MINK: Then is it not somewhat inconsistent in your testimony in saying that if this bill didn't pass and didn't become law, you would appoint a panel of distinguished Americans from outside the government to do the exact same function for your agency?

GATES: No, ma'am, what I would appoint that panel to do is examine all the redactions that we had made, and to examine all of the documents that we decided could not be declassified, and then provide a report to the American people on whether or not any of those redactions or those withheld documents had a bearing on the assassination.

They would not make the decision to declassify.

REP. MINK: Now, would the establishment of such a panel of outside experts in effect also under your definition violate the Privacy Act?

GATES: I don't know the answer to that. I would have to have--I would have to have our attorneys look at it.

REP. MINK: Thank you, Mr. Chairman.

REP. CONYERS: Thank you very much, Mrs. Mink. You've touched on some very important areas.

There are just two related considerations that I'd like to bring to your attention, Director Gates. One is in the Freedom of Information Act, where electronic data is a discretionary matter with the agency, and we would like you to review the problem with the release of CIA electronic data of previously released requests. It's a technical point, but I bring it to your attention for your future consideration.

And finally, with regard to the Castro records, and AMLash and Gilverto Lopez (phonetic), it is my hope that you will elevate those as high up on your agenda for reconsideration for release as soon as appropriate. There are a number of members in the Congress that have asked me to bring this matter to your attention as well.

GATES: I think we can do that, Mr. Chairman.

REP. CONYERS: Thank you very much. And on behalf of the committee, we deeply appreciate your appearance before us today.

GATES: Thank you, sir.

END GATES TESTIMONY
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The Reuter Transcript Report
Assassinations/hearing (third and final add)
May 15, 1992
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The Washington Post A8
The New York Times
The Los Angeles Times
The Wall Street Journal
The Washington Times
USA Today
Associated Press
UPI
Reuter

Date 14 MAY 1992

CIA Opens Pre-Dallas File on Oswald

Mexico City Trip Noted but Little New Offered on JFK Assassination

By George Lardner Jr.
Washington Post Staff Writer

The file the CIA compiled on Lee Harvey Oswald before the assassination of President John F. Kennedy was made public yesterday, but it offered slim pickings for long-time students of the case.

It also served as a reminder that the file would have been thicker if other CIA documents pertaining to Oswald from that period had not been apparently destroyed in what the agency once described as a matter of routine housekeeping.

Oswald, a former Marine who defected to the Soviet Union in 1959, was arrested in Dallas shortly after the assassination and was charged with the president's murder early the next morning. In a finding that has been hotly disputed over the years, the Warren Commission concluded that he killed the president, acting alone.

The 34 documents released yesterday dealt with Oswald's defection to Moscow and his activities following his return to the United States in 1962. Most of the records came from other agencies, such as the FBI and the State Department, and almost all of them had been made public before. Only 12 documents, including four of newspaper clippings, originated at the CIA.

"It all looks familiar," said James H. Lesar, a Washington attorney who heads the nonprofit Assassination Archives and Research Center here. "I suppose without checking page by page, I can't say there's nothing new, but a preliminary review doesn't seem to show anything."

The CIA opened a personality file—known as a 201 file—on Oswald on Dec. 9, 1960. That record, which consisted initially of a single page and was listed under the name "Lee Henry Oswald," noted he had "defected to the USSR in October 1959."

The 14-month delay between Oswald's defection and the opening of the file has never been satisfactorily explained. The House Select Committee on Assassinations, which looked into that issue in the late 1970s, pointed out that the CIA had been alerted to the defection by a State Department cable dated Oct. 31, 1959.

"At least three other communications of a confidential nature that gave more detail on the Oswald case were sent to the CIA in the same period," the committee said in its final report. Moreover, CIA officials told the committee that the substance of the Oct. 31, 1959, cable was sufficient to warrant the opening of a 201 file.

That, in turn, raised the question of where the cable and other messages pertaining to Oswald had been sent and stored at the CIA prior to the opening of the 201 file. The CIA told the committee there was no way of tracing the paths these documents took, explaining "because document dissemination records of relatively low national security significance are retained for only a 5-year period, they were no longer in existence for the years 1959-63."

Seven of the 12 CIA documents released yesterday were made public before as part of the files of the Warren Commission. Most of the new records dealt with an old subject: Oswald's trip to Mexico City in the fall of 1963.

The CIA station there told headquarters in an Oct. 9, 1963, cable that an American male speaking broken Russian, who "said his name was Lee Oswald," visited the Soviet Embassy on Sept. 28 and spoke with Valeriy V. Kostikov, who was subsequently identified as a member of the KGB's "wet affairs," or assassinations, section. The cable also said the CIA station in Mexico City had photos, presumably taken in routine surveillance of the Soviet Embassy, of a 6-foot-tall man around 35 years old with athletic build and a receding hairline and suggested the photos were of Oswald.

One of the photos—subsequent Freedom of Information Act litigation showed there were 16 of them, according to Lesar—was made public by the Warren Commission. It was not of Oswald, and no one has ever figured out who was pictured in it. The discrepancy stirred still unresolved debate over whether the photo was of a man who did speak with Kostikov and pretended to be Oswald or whether Oswald himself visited the embassy but the CIA mistook a photo of someone else as his picture.

The CIA provided the partially censored records first to the Senate Governmental Affairs Committee and then to the National Archives, which made them public. But officials at the Archives were apparently chagrined at the agency's failure to give them the unexpurgated originals.

Staff researcher Robert Thomason contributed to this report.

The Washington Post A17
The New York Times
The Los Angeles Times
The Wall Street Journal
The Washington Times
USA Today
Associated Press
UPI
Reuter

Date 13 MAY 1992

CIA to Release Some JFK Documents

Gates Says He Is 'Determined' to Declassify Assassination Files

By George Lardner Jr.
Washington Post Staff Writer

CIA Director Robert M. Gates expressed determination yesterday to release "every relevant scrap of paper in CIA's possession" about the assassination of President John F. Kennedy to dispel the notion that the intelligence agency or other elements of the government were involved in the murder.

Gates made the pledge in an emotional postscript to testimony before a Senate committee on a bill that could require disclosure of as many as a million pages of still secret records relevant to the 1963 assassination.

The Justice Department has warned that it probably would recommend a veto of the measure if Congress passes it in its current form, but Gates said that "because of high interest in the JFK papers, I am not waiting for legislation."

The CIA director promised a first installment this week. He said he has ordered declassification of all CIA files on Lee Harvey Oswald that were compiled before the assassination and said they will be made public at the National Archives "with quite minimal deletions" in a day or two.

The packet, according to one source, will include 11 CIA documents on Oswald, six of them never released before, and 22 documents on Oswald from other agencies, all of them previously released. They deal with Oswald's defection to the Soviet Union in 1959 and his activities after his return to the United States in 1962.

"There is very little new here, and it is not worthy of archives," another source said.

According to the Associated Press, which yesterday reviewed a set of the records provided to the committee, the documents show that government agents used informers as well as face-to-face interviews to keep occasional track of Oswald before the assassination.

Gates told the Senate Governmental Affairs Committee that the 110-page packet was "a small fraction of what we hold," but described it as "an earnest of my commitment immediately to begin review for declassification of this material."

Closing his appearance with some personal remarks, Gates said: "The only thing more horrifying to me than the assassination itself is the insidious, perverse notion that elements of the American government, that my own agency, had some part in it. I am determined personally to make public or to expose to disinterested eyes every relevant scrap of paper in CIA's possession in the hope of helping to dispel this corrosive suspicion. With or without legislation, I intend to proceed."

The JFK records bill, sponsored by Sen. David L. Boren (D-Okla.), chairman of the Senate intelligence committee, and Rep. Louis Stokes (D-Ohio), former chairman of the House assassinations committee, grew out of the controversy over the Oliver Stone movie "JFK" and its allegations of high-level government involvement in plotting the Kennedy assassination and then covering up the conspiracy.

The measure would create an independent, court-appointed board with power to review and release all congressional and executive branch records "relevant" to the assassination. The president would still be able to block release, and the board would have discretion to postpone disclosure for specified reasons, such as exposure of current intelligence sources and methods or substantial invasions of privacy.

CONTINUED

AGENCE FRANCE-PRESSE

Director Gates says release is "small fraction of what we hold" on 1963 killing.

The Justice Department maintains the bill is "constitutionally flawed," objects to the idea of a court-appointed review board and contends the reasons stipulated for nondisclosure are too narrow. Deputy Assistant Attorney General David G. Leitch said yesterday that the Justice Department was willing to work with the committee to produce an acceptable bill, but confirmed the department also is drafting an executive order as a possible alternative.

Other witnesses, such as James H. Lesar, head of the nonprofit Assassinations Archives and Research Center, said legislation was essential and the Justice Department's restrictive standards would do "devastating damage to the ideal of full disclosure."

The CIA's collection of records pertaining to the assassination consists of 250,000 to 300,000 pages, including 33,000 on Oswald—most of them received from other agencies—that were compiled after the assassination. FBI Director William S. Sessions said the bureau's holdings at last count totaled 499,431 pages, including more than 263,000 that have yet to be processed, much less released.

Central Intelligence Agency

Washington, D.C. 20505

OCA 1162-92
24 April 1992

Mr. Bernard H. Martin
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Martin:

This is in response to your request for the views of the Central Intelligence Agency on Senate Joint Resolution 282, the "Assassination Materials Disclosure Act of 1992", and the corresponding House Joint Resolution 454 ("the resolutions").

The Central Intelligence Agency fully supports the fundamental purpose underlying this legislation--that efforts should be made to declassify and make available to the public as expeditiously as possible government documents relating to the assassination of President Kennedy. In fact, the Director of Central Intelligence (DCI) has recently established and staffed a new unit within CIA responsible for review and declassification of documents of historical interest, including the JFK-related files, as part of the Agency's program of increased openness. Should Congress decide to enact a Joint Resolution, CIA will work closely with the appropriate body to ensure that the maximum amount of material possible is declassified consistent with the need to protect intelligence sources and methods. We anticipate that a signficant part of our doucuments can be declassfied for release pursuant to this process.

Although we are in agreement with the purpose of the resolutions, they contain several provisions that are of concern. We are prepared to work with the relevant Congressional committees to resolve these potential difficulties.

Our primary concern is that the resolutions provide that the initial review of all documents is vested in the Review Board and its staff. This approach is inconsistent

with the DCI's statutory duty to protect intelligence sources and methods. In fact, as currently drafted, the resolutions contain no provision requiring security clearances or secure document handling by the Assassination Materials Review Board or its Executive Director/staff elements. In order to minimize the exposure of sensitive intelligence sources and methods, CIA proposes that the initial review of assassination materials be made by the originating agencies. Documents that could not be released to the public would then be reviewed by appropriately cleared Board members or perhaps a small number of cleared staff.

Second, we are also concerned that the resolutions do not provide the Agency with opportunity to object to the release of CIA information contained in documents originated by Congress or the Warren Commission. Under the resolutions, documents originated by these entities can be released by the Executive Director of the Assassination Materials Review Board without any review by the President or other Executive Branch agencies. We believe that the resolutions should provide that the agencies that originated information have the opportunity also to review the information and raise necessary objections prior to its release.

Third, the resolutions define "assassination material" broadly to include any records that relate "in any manner or degree to the assassination." We believe this definition should be interpreted to include only documents already identified by CIA as assassination material, and any additional documents the Board requests that have some reasonable relationship to the JFK assassination.

Fourth, the resolutions provide only a 30 day period for appealing decisions by the Executive Director to release information. This may not provide sufficient time for meaningful review of what could prove to be large volumes of material at one time. The resolutions should be amended to provide that an agency may request a reasonable extension of time to determine whether documents may be released.

Fifth, the Board's broad powers to subpoena witnesses and documents and hold hearings under the resolutions could conflict with the DCI's statutory duty to protect sensitive intelligence sources and methods from unauthorized disclosure. We believe that the Board should be required to consult with the DCI on such issues if intelligence equities are involved.

Finally, section 6 of the resolutions, which outlines the grounds for postponement of public release of a

document, may not be adequate to protect Agency interests in certain respects. For example, there is no provision for postponing release of Executive privilege/deliberative process, attorney-client, or attorney work-product information. While such privileges are not likely to arise with respect to factual information directly related to the JFK assassination and could be waived in the public interest, they would be wholly unavailable under the resolutions in the rare case that they might be needed. We also believe that "intelligence agent" under section 6(1)(A) of the resolutions should be defined with reference to the Intelligence Identities Protection Act so as to protect the identity of covert employees of the Agency.

We appreciate the opportunity to comment on the assassination materials resolutions. Please contact Vicki Pepper of my staff at (703) 482-6126 with any questions or comments concerning the Agency's position on these resolutions.

Sincerely,

E. Page Moffett for

Stanley M. Moskowitz
Director of Congressional Affairs

Central Intelligence Agency

Washington, D.C. 20505

OCA 1123-92

7 MAY 1992

The Honorable John Conyers, Jr.
Chairman
Committee on Government Operations
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Director has asked me to respond to your letter of April 6, 1992 requesting certain information regarding CIA holdings of records related to the assassination of President Kennedy. We do have a significant number of records relating to the assassination of President John F. Kennedy, although many of these records were originated by the FBI or by investigating committees of the Congress. We believe that a significant portion of our records could be released if H.J. Resolution 454 were enacted into law.

I should also point out that the CIA is currently embarking on its own review of assassination records. I would expect that this review will result in the public release of a significant body of information.

To help the committee understand the nature and number of CIA records pertaining to the assassination, I am enclosing the answers to the specific questions you raised in your letter.

Sincerely,

/s/ Stanley M. Moskowitz

Stanley M. Moskowitz
Director of Congressional Affairs

Enclosure

1. Did the CIA retain possession of records requested by or developed on behalf of the House Select Committee on Assassinations? If so, how many pages of such records does the Agency have in its possession? What is the nature of these records?

Yes, the CIA retained possession of records requested by or developed on behalf of the House Select Committee on Assassinations (HSCA). The Agency has approximately 250,000 - 300,000 pages of such records which include microfilm of CIA's Oswald file (originally collected in response to the Warren Commission's inquiry, then added to) as well as records collected in response to specific requests from the HSCA. Although these records cover a wide variety of topics, they principally focus on CIA operations against Cuba and Castro, Lee Harvey Oswald's sojourn in the USSR, and Oswald's activities in Mexico City and New Orleans. The vast majority of documents pertaining to Oswald were created in response to specific inquiries from the Warren Commission and the HSCA. They also include a large number of name traces requested by the HSCA staff, as well as materials relating to the Garrison investigation, Cuban exile activities, FBI reports on Oswald, and even Watergate. Because the HSCA was also investigating the assassination of Dr. Martin Luther King, Jr., there is also some material on the Black Panthers and the civil rights movement.

2. Does the CIA have records outside of those related to the HSCA that may be considered relevant to the assassination of President Kennedy? If so, please describe such records and the approximate number of pages.

The records described above contain all CIA documents that previously have been considered relevant by the Warren Commission and the HSCA. CIA believes that, in response to these investigations, it has identified all documents that directly pertain to the assassination of President Kennedy.

3. Did any of the records described in questions 1 and 2 originate with the FBI? If so, approximately how many?

We believe that approximately 10 percent of the records described in questions 1 and 2 originated with the FBI.

4. Did any of these records originate with any other Federal, foreign, state, or local agency? If so, please describe which agencies and the approximate numbers.

A small number of CIA's records pertaining to the assassination of JFK, probably about 1 percent, originated with the State Department. About 20 percent of the records originate with a variety of other outside sources, including the Secret Service, the military services, press clippings, local police departments, etc.

5. How many of these records have been reviewed for release under the Freedom of Information Act(FOIA)? How many of these records have been released pursuant to such requests?

CIA has released 7,432 pages of records pertaining to the assassination of JFK, representing 1,969 documents, under the FOIA. There is no documentation of how many JFK assassination records CIA has reviewed under FOIA.

6. In the estimation of the CIA, approximately how many records would be released under the standards contained in House Joint Resolution 454?

We believe that a significant portion of our records related to the assassination of President Kennedy could be released if the Joint Resolution were enacted into law. We would review our holdings carefully to ensure that the maximum amount of information is released, consistent with the DCI's responsibility to protect intelligence sources and methods and with the privacy interests of the individuals involved.

U.S. Department of Justice

Office of Legislative Affairs

Mark Evans

Office of the Assistant Attorney General

Washington, D.C. 20530

April 27, 1992

Honorable John Conyers
Chairman
Subcommittee on Legislation
and National Security
Committee on Government Operations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman

I am writing to express the views of the Department of Justice on H.J. Res. 454, the "Assassination Materials Disclosure Act of 1992" ("the resolution"). Although we are sympathetic to the concerns that prompted introduction of this legislation, and are prepared to make documents available to the public in a manner that preserves applicable privileges and addresses legitimate confidentiality interests, we believe that the disclosure requirements in the resolution raise several constitutional concerns. In addition, we believe that the structural provisions regarding the appointment and authorities of the Assassination Materials Review Board are constitutionally flawed. We also have a number of other objections to the specifics of the joint resolution, detailed below.

We are, of course, willing to work with the Congress in an effort to remedy our objections. Nevertheless, we strongly object to the resolution in its current form, and, if it were presented to the President without amendment, would give serious consideration to recommending presidential disapproval.

Constitutional Objections

The resolution's disclosure requirements for Executive Branch information would severely encroach upon the President's constitutional authority to protect confidential information. See generally Nixon v. Administrator of General Services, 433 U.S. 425, 446-455 (1977). Section 6 significantly limits the bases on which public disclosure of material could be postponed. Most seriously, unlike the Freedom of Information Act, this provision provides no basis at all for protecting law enforcement information or Executive Branch deliberations. See 5 U.S.C. § 552(b)(7) (FOIA law enforcement exemption), § 552(b)(5) (FOIA

exemption incorporating deliberative process privilege and other privileges recognized at common law).

In addition, although section 6 recognizes the Executive Branch's confidentiality interests in the national security and foreign relations area, it imposes unacceptably restrictive standards for protecting those interests. For example, the only intelligence sources and methods that can be protected are those that are "currently utilized, or reasonably expected to be utilized." The identification of past sources and methods could easily compromise current operations and other national security interests. Moreover, matters "relating to the military defense, intelligence operations or conduct of foreign relations" are also subject to a "currently relating" standard, and, even more significantly, they can be protected only if it is determined that the threat posed by disclosure "is of such gravity that it outweighs any public interest in its disclosure." Executive Order 12356, which is based on the President's constitutional authority to control the dissemination of national security information, does not call for a balancing of national security and other public interests.[1]

Section 8(h)(2) makes a concession to the President's existing, constitutional responsibility to protect confidential information by granting him authority to overrule the Review Board's decision to release material, but the section nonetheless raises substantial constitutional concerns by purporting to limit the President's authority to the standards set forth in section 6.[2] The President's constitutional authority to withhold confidential Executive Branch information cannot be so limited, because it extends to any material for which he determines withholding is in the public interest. Equally problematic from a constitutional standpoint is the requirement of section 8(i) that the President submit to Congress copies of any material that he determines to withhold pursuant to section 8(h)(2). The separation of powers requires that the President be able to

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[1] The problems that section 6's limitations would create would only be exacerbated by the presumption for release imposed by the "clear and convincing evidence" standard established in sections 7(d) and 8(b) for a decision to invoke the section 6 exemptions. In addition, permitting postponement of release only where the release "would" meet the criteria established in section 6 creates too high a standard to meet in protecting national security information, confidential sources and other interests recognized in section 6.

[2] See also Sec. 11 ("Where this Joint Resolution requires release of a record, it shall take precedence over any other law, judicial decision construing such law, or common law doctrine that would otherwise prohibit such release.").

withhold privileged information from the Congress as well as the public.[3]

Although no statute can override the President's authority to assert executive privilege with respect to specific documents or information, we believe that H.J. Res. 454's encroachment upon the President's authority in this area is so severe as to render it unconstitutional under existing Supreme Court precedent. In reviewing this kind of regulation of the Executive Branch, the Court has focused on the disruption to the Executive's exercise of its constitutional responsibilities: "[I]n determining whether the [resolution] disrupts the proper balance between the coordinate branches, the proper inquiry focuses on the extent to which it prevents the Executive Branch from accomplishing its constitutionally assigned functions." Nixon v. Administrator of General Services, 433 U.S. at 443. Where the potential for disruption of this balance exists, the legislation may be upheld only if it is "justified by an overriding need to promote objectives within the constitutional authority of Congress." Id.

We do not believe that the resolution's disclosure provisions are supported by the "overriding need" that would be necessary to find the legislation constitutional. Congress could readily enact legislation establishing a strong policy in favor of disclosure of this material without restricting the President's discretion. We note that the legislation at issue in Nixon v. Administrator of General Services was upheld only because "the Act facially [was] designed to ensure that the materials can be released only when release is not barred by some applicable privilege inherent in [the Executive Branch]." 433 U.S. at 444.

The structure of the Assassinations Materials Review Board also raises a number of difficult issues. Section 5(a) of the resolution would establish the Review Board "as an independent agency." Because it would be vested with the powers to review Executive Branch records and information and to authorize the release of those materials, the Review Board would have to be considered an executive agency for constitutional purposes. We would thus interpret section 5(a) as requiring the Review Board to be "independent" from all other Executive Branch departments and agencies, but nonetheless within the Executive Branch and subject to the direction and control of the President.

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[3] A related constitutional concern is raised by the requirement of section 5(i) that certain congressional committees be given "access to any records held or created by the Review Board." Since the Review Board would be an Executive Branch agency, see infra, the President must retain the authority to direct that privileged material be withheld from congressional committees.

Section 5(b) of the resolution provides that members of the Review Board would be appointed by the division of the United Stated Court of Appeals for the District of Columbia Circuit established under 28 U.S.C. § 49 (the Special Division), which also appoints independent counsels. Article II, sec. 2, cl. 2 of the United States Constitution provides that "the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments." (Emphasis added.) In Morrison v. Olson, 487 U.S. 654, 671 (1988), the Supreme Court stated that "the line between 'inferior' and 'principal' officers is one that is far from clear." The Court, nevertheless, concluded that the independent counsel was an inferior officer because she was subject to removal for cause by the Attorney General, was empowered to perform certain limited duties, and had limited jurisdiction and tenure. We have concluded that the members of the Board would be inferior officers under the Court's analysis in Morrison. The Board members are subject to removal for cause by the President or the Attorney General. See Sec. 5(h). The Board's duties are limited to reviewing certain materials and making determinations concerning public disclosure. The Board's jurisdiction is limited to documents related to various investigations of a particular crime. Finally, the Board's tenure is limited to, at most, three years. See Sec. 5(l).

Because the appointment of the Board members, who are executive officers, is vested in a court of law, the appointment is an "interbranch appointment," and Congress' power to provide for such appointments is not "unlimited." Morrison, 487 U.S. at 675. In addition to general separation of powers concerns, which we address below in discussing the "for cause" restriction on the removal of Board members, "Congress' decision to vest the appointment power in the courts would be improper if there was some 'incongruity' between the functions normally performed by the courts and the performance of their duty to appoint." Id. at 676 (quoting Ex parte Siebold, 100 U.S. 371, 398 (1880)). Morrison held that the appointment of the independent counsel by the Special Division was not an incongruous interbranch appointment, but it relied on precedents in which courts have appointed prosecutors and on the perceived conflict of interest where the Executive Branch is called upon to investigate its own high-ranking officers. Neither of these factors would help to justify the interbranch appointment for the members of the Review Board. Furthermore, the Morrison Court gave little guidance for determining, as a general matter, whether other interbranch appointments are incongruous. Given this uncertainty, it is not clear that vesting the appointment of the members of the Review Board with the Special Division is constitutional. We believe that the Review Board should not be created under this constitutional cloud and therefore recommend that the appointment of the Board members be vested in the President, by and with the

advice and consent of the Senate; the President alone; or the Attorney General. Any of these three options would be preferable over the interbranch appointment scheme currently contemplated.

Under section 5(h) of the resolution, a member of the Board may be removed "only for inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member's duties," and the Attorney General must submit a report to the Congress and the Special Division stating the grounds for removal. Under Morrison, the validity of removal restrictions turns on whether "they impede the President's ability to perform his constitutional duty." Id. at 691. We do not believe that the restriction on removal of the Board members impedes the President's ability to perform his constitutional duty because the President would retain the power, under section 8(h), to overturn decisions of the Board with respect to whether assassination material is subject to release under the standards in the statute.[4]

The resolution also provides for the appointment of an Executive Director whose duties would include reviewing assassination materials in the first instance. Under section 7(e)(1) of the resolution, the Executive Director is vested with the power to authorize the disclosure of certain assassination materials in the absence of an appeal by the originating body. Because the Executive Director's determination under section 7(e)(1) would allow agencies to release records even where they would otherwise lack legal authority to release, he "exercise[s] significant authority pursuant to the laws of the United States" and is an officer of the United States. See Buckley v. Valeo, 424 U.S. 1, 126 (1976). The Executive Director therefore cannot be appointed by the Review Board because, under the appointments clause, only the President alone, the heads of departments or the courts of law, not inferior officers, may be vested with the power to appoint officers of the United States. To address this problem, we recommend that the Executive Director be appointed by the President alone.

Section 8(c) of the resolution confers on the Review Board the power to subpoena witnesses and documents and states that those subpoenas may be enforced in any appropriate federal court by the Department of the Justice "acting pursuant to a lawful request of the Review Board." Section 7(a) suggests, however,

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[4] We note, however, that we have independent constitutional objections to the provision of the resolution purporting to insulate the decisions of the Board concerning legislative materials from presidential direction. See infra. If that provision is not deleted as we suggest, it may undermine the validity of the removal restrictions.

that the Executive Director may recommend that the Review Board subpoena records from an executive agency if the agency denies the Executive Director access. Because it is a part of the unitary Executive Branch, the Review Board could not constitutionally issue a subpoena against another executive agency.. Any attempt to enforce such a subpoena in federal court would not present a case or controversy within the meaning of Article III of the Constitution.[5] Thus a request by the Review Board, pursuant to section 8(c), to enforce a subpoena against an executive agency would not be a "lawful request" and the Department of Justice would not seek enforcement. Therefore the clause authorizing the Executive Director to recommend that the Review Board issue subpoenas for executive records should be deleted from section 7(a).

Section 8(h)(1) provides that decisions of the Review Board to release congressional records and Warren Commission records are not subject to review by the President. With respect to the Warren Commission, we note that the Warren Commission was clearly part of the Executive Branch for constitutional purposes: it was established pursuant to Executive Order; its members were appointed by the President; and its expenses were paid from funds appropriated to the President. See Exec. Order No. 11130. The Warren Commission should not be treated as a legislative entity. Furthermore, the provision in section 8(h)(1) prohibiting the President from reviewing the Board's decisions concerning congressional records is unconstitutional. The constitutional chain of command requires that the President have the power to supervise the actions of all Executive Branch officers. Congress may vest the power to review and release congressional assassination records with an officer of Congress, but it may not vest that power with an Executive Branch officer and deprive the President of his constitutional power to supervise that officer. For these reasons, we recommend deleting section 8(h)(1) and applying the appeal procedure in 8(h)(2) to all assassination materials.

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[5] The ruling of the Supreme Court in United States v. Nixon, 418 U.S. 683 (1974), does not undermine our conclusion on this point. Nixon was a suit between the United States, acting through the Special Prosecutor, and Richard Nixon, who had personal possession of the records subpoenaed by the Independent Counsel. In that setting, the Court held that the case presented "traditionally justiciable" issues and had the required "concrete adverseness" necessary for a case or controversy. Id. at 697 (citations omitted). In contrast, a subpoena issued for official executive branch records would not satisfy those conditions.

Other Objections

We believe that the definition of "assassination material" in section 3(2) is too broad. The definition should be narrowed so that it includes only that material which is germane to the assassination investigations and should not include, for example, material regarding all death threats made against President Kennedy during his presidency. Much of the over 300,000 pages of the non-core JFK assassination records provided to the House Select Committee on Assassinations involve FBI investigations of individuals and organizations unrelated to the assassination. The Committee requested such broad range of material to see if it supported any conspiracy theories. We are unaware that any of that material proved to be related to the assassination. To the extent it did not, the material should be outside the scope of the definition of "assassination material," and not subject to the provisions of the Joint Resolution.

The definition of "originating body" in section 3(7) is under-inclusive in that it does not address information that originated with one agency that is actually contained in the record of another agency. For example, if the FBI has in its FBI record information that originated with the CIA, the CIA should be considered the originating body of that information. The definition should be changed to read:

> (7) "Originating Body" means the Executive agency, commission, or congressional committee that created the particular record or created the particular information in the record or obtained the particular record . . . .

In section 6(3), the word "witness" should be deleted and the word "person" substituted in its place. This amendment will ensure that all individuals needing confidentiality are protected. Also in section 6(3), the words "substantial and unjustified" should be deleted and the words "express or implied" should be added before the word "understanding." Law enforcement agencies generally consider any breach of the confidentiality they afford their sources to be "substantial and unjustified." Thus, if there was an express or implied understanding of confidentiality related to the Government's obtaining information, that confidentiality should be protected (absent certain recognized exceptions, such as waivers). But even if some modification to the protections afforded confidential information is acceptable, the proposed standard in section 6(3) dilutes the protections far too much.

The standard in section 6(4) is too narrow. The standard would protect only "security or protective procedures" used by agencies responsible for protecting government officials and would not even protect those procedures where the harm caused by the release is not deemed to be not "so harmful" that it outweighs the public interest in disclosure. We recommend section 6(4) be amended as follows to provide better protection for all non-public law enforcement methods:

> (4) disclose a technique or procedure that is utilized, or that may reasonably be expected to be utilized, by any law enforcement agency, and that is not well known to the public.

Similarly, we also recommend the addition of a provision in section 6 to protect against endangering the life or physical safety of any individual. This is similar to protections extended under 5 U.S.C. 552(b)(7).

We strongly object to the provision in section 8(h)(2) that prohibits the President from delegating the powers conferred in that section. As head of the Executive Branch, the President must have the authority to delegate functions where, in his judgment, such delegation would improve the efficient operation of the Executive Branch. Congress should not by law limit this necessary and important presidential power.

Finally, we also strongly object to the provision in section 10(a) of the bill that would authorize the Review Board, through its own counsel, to petition a court for release of information relevant to the assassination. The Attorney General has plenary authority to conduct and to supervise all litigation in which the United States, its agencies, or its officers are interested or to which they are parties. 28 U.S.C. §§ 509, 510, 515(a), 516, 517, 518(b) and 519; 5 U.S.C. § 3106.

As you may know, it is a longstanding policy of the Executive Branch that the authority to litigate and attend to the interests of the United States in judicial proceedings should be centralized in the Attorney General. In that connection, we have, on numerous occasions in the past, cautioned that we would recommend executive disapproval of legislation containing provisions authorizing other officials to litigate. We strongly oppose any proposed statute, such as this one, that would detract from the Attorney General's centralized litigation authority.

We look forward to working with you on this important matter. In this regard, please be advised that we are developing an alternative draft resolution to address these and other concerns. We plan to provide our proposal to the Subcommittee in the near future.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report, and that enactment of H.J.Res. 454 in its current form would not be consistent with the objectives of the Administration.

Sincerely,

W. Lee Rawls
Assistant Attorney General

cc: The Honorable Frank Horton
Ranking Minority Member

PAO 91-0586
20 December 1991

MEMORANDUM FOR: Director of Central Intelligence

FROM: Task Force on Greater CIA Openness

SUBJECT: Task Force Report on Greater CIA Openness

REFERENCE: Memo for D/PAO fr DCI, dtd 18 Nov, Subj: Greater CIA Openness (Tab A)

1. In response to your referenced request, the Task Force addressed the following:

-- How can we do a better job of informing the general public and key constituencies about the need for a strong intelligence effort and about the missions and accomplishments of the Intelligence Community in a changing world, and

-- To what extent do the dramatic changes in the world situation and the needs of oversight and accountability to the American people and their representatives dictate a reexamination of policies on classification and release of records, and finally

-- How can we use openness to learn from others outside the Agency in order to improve our capabilities and our people.

2. Senior officials in the media, in the Executive and Legislative Branches, in the business/private sector and in academia all shared their views on CIA openness with the Task Force. (See Tab B) We also consulted Agency retirees and employees throughout the organization.

3. Many of those interviewed said the CIA was sufficiently open; all thought the CIA could do more to declassify and make available portions of its historical archives, especially regarding CIA successes and scientific/technical accomplishments; some said the CIA will have to work harder at explaining the need for intelligence in a post-cold war world.

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DCI EXEC REG

All agreed that an effective public affairs program for the CIA was necessary and that whatever changes were made to increase openness, all would expect the CIA to keep the secrets it is charged to protect.

4. In whatever program we pursue, we should:

- get our employees on board first
- be consistent
- be excellent
- be credible--admit when we are wrong
- personalize the Agency
- preserve the mystique

We should also ensure a coordinated PAO-OCA effort for this program. It will be important to get the Hill on board with the Agency's public position on various issues and to articulate the overall Agency strategy to Congress to honor your commitment re openness.

5. Before we can pursue greater openness, it is important to understand the Agency's current program in this area to put down a marker for possible change in the future. To provide some context you should be aware that while PAO grew during Judge Webster's tenure to meet the needs of increased requirements and an expanded program, PAO is now being told to downsize by about 33%. We recognize that a program of increased openness will require commitment of additional resources, not only for PAO but for other parts of the Agency. The Directorates will need to assess the resource implications of these recommendations.

6. In most of our discussions with outsiders as well as within the task force there was substantial agreement that we generally need to make the institution and the process more visible and understandable rather than strive for openness on specific substantive issues. To do this, we need to develop a strategic vision of what we want to be open about, why we want to be more open and to whom we want to be more open. Our suggestion for such a vision statement is:

> CIA, the most open intelligence agency in the world, wants to be recognized as an organization of high caliber and culturally diverse people who achieve technical and analytic excellence and operational effectiveness in fulfilling their mission with integrity and the trust of the American people. We believe that it is important for

the American public to see CIA as a law-abiding organization whose role supporting national security policymakers continues to be important in an even more complex and dangerous world.

Formal acceptance of this statement by the Agency, or one similar to it, will provide a necessary and well-understood framework for taking the steps to achieve greater CIA openness.

7. We have an important story to tell, a story that bears repeating. We are the most open intelligence agency in the world which is proper in our form of democracy. (In fact, several foreign intelligence organizations have sought advice from PAO on how to establish a mechanism for dealing with the public.) That said, many Americans do not understand the intelligence process and the role of intelligence in national security policymaking. Many still operate with a romanticized or erroneous view of intelligence from the movies, TV, books and newspapers. These views often damage our reputation and make it harder for us to fulfill our mission. There are steps we can take which will benefit us and the American people.

8. To increase CIA openness and signal a change in how we do business, we need to take initiatives to share our history through the declassification of old records, explain our mission and functions in a changing world through an expanded briefing program within and outside of government, and develop a strategy for expanding our work with the media as a means of reaching an even broader audience. Our major recommendations address these issues:

A. Declassifying and releasing records that describe CIA's history and activities would go a long way to educating the public on the work of intelligence. Our voluntary Historical Review Program has proceeded very slowly, and recent legislation (H.R. 1415) has mandated greater access to our records by State Department historians. Presently, policy and resource constraints severely limit the amount of historical records released by the CIA. Therefore, we recommend that you:

1) Establish a senior-led, Agency-wide group to review the Agency's policy and practices related to declassification and release of records under the Historical Review and FOIA programs, as they relate to the changing international environment and counterintelligence threat, and with a view to accelerating the process.

_____Approve _____Disapprove

2) Initiate in the near-term the declassification of historical materials on specific events, particularly those which are repeatedly the subject of false allegations, such as the 1948 Italian Elections, 1953 Iranian Coup, 1954 Guatemalan Coup, 1958 Indonesian Coup and the Cuban Missile Crisis in 1962. Notify the public of the availability of the resulting materials.

_____Approve _____Disapprove

3) Have OTE publish an unclassified version of Studies in Intelligence and make it available to the public for sale through the National Technical Information Service and have it listed in the Social Science Index.[1]

_____Approve _____Disapprove

4) Publish compendiums of papers delivered at conferences sponsored or cosponsored by CIA.

_____Approve _____Disapprove

B. Many people inside and outside of government do not understand what we do or how we do it. It is important that we increase our efforts to tell people both what we do and what we don't do. To this end, we recommend that you:

1) Commission PAO, working in concert with OCA and the directorates, to develop additional unclassified material on CIA, its mission, functions, and changing role into the next century.

_____Approve _____Disapprove

[1] The Editorial Board of Studies has identified several hundred unclassified or declassified articles and taken steps to interest scholars and publishers in them. About half a dozen university presses have expressed interest, but to date none have actively begun the editorial process.

2) Expand the Agency's briefing program for:

- new members of Congress
- key Congressional staffers, as appropriate
- Congressional Research Service (CRS) and Office of Technology Assessment (OTA) staff members
- new political appointees in relevant agencies, (especially important to prepare for in an election year)
- Agency contractors
- Academic consultants
- Academic, business and other private sector groups

_____Approve _____Disapprove

C. To reach our objective of greater openness, we must come up with a better balance in dealing with the media in a world where television is the primary conveyor of information to most Americans. In the past we have been reluctant to do television (Judge Webster appeared only three times before he announced his retirement), and some would still caution against it because of the special risks involved. Yet the opportunity for impact is so great that we believe the time has come to change our position. One of the things that is leading us in this direction is the strong view from many quarters that we need a visible Agency spokesperson, such as the D/PAO, to refute allegations and set the record straight. When such false allegations come from television, we need to be able to speak to them in the same forum.[2] To this end, we recommend that you:

1) Commission the D/PAO to develop in consultation with the Deputy Directors a media strategy for the '90's that

[2] For example, an Agency spokesperson reading our statement in response to the allegations made by Nightline in summer 1991 would have been more effective than Ted Koppel's reading of it with raised eyebrows and a look of "What do you expect given the source?".

increases the visibility of the DCI and the intelligence process, expands the role of the Agency spokesperson and takes a more proactive approach toward the media in general.

_____Approve _____Disapprove

8. In most of our discussions we defined the audiences for greater CIA openness as the following: the media, academia, business, the private sector, government and our own employees. We have used these categories to describe our current program related to openness which provides a context for offering our other recommendations.

A. *MEDIA*

1) Current Program:

a) PAO now has relationships with reporters from every major wire service, newspaper, news weekly, and television network in the nation. This has helped us turn some "intelligence failure" stories into "intelligence success" stories, and it has contributed to the accuracy of countless others. In many instances, we have persuaded reporters to postpone, change, hold, or even scrap stories that could have adversely affected national security interests or jeopardized sources and methods.

b. PAO spokespersons build and maintain these professional relationships with reporters by responding to daily inquiries from them over the telephone (3369 in 1991), by providing unclassified background briefings to them at Headquarters (174 in 1991), and by arranging for them to interview the DCI, DDCI and other senior Agency officials (164 in 1991).

c. PAO responds to numerous requests from authors, researchers, filmmakers, and others seeking information, guidance, or cooperation from the Agency in their endeavours. Some responses can be handled in a one-shot telephone call. Others, such as Life Magazine's proposed photo essay, BBC's six-part series, Ron Kessler's requests for information for his Agency book, and the need for an Agency focal point in the Rochester Institute of Technology controversy drew heavily on PAO resources.

d. PAO has also reviewed some film scripts about the Agency, documentary and fictional, at the request of filmmakers seeking guidance on accuracy and authenticity. In a few instances,

we facilitated the filming of a few scenes on Agency premises. Responding positively to these requests in a limited way has provided PAO with the opportunity to help others depict the Agency and its activities accurately and without negative distortions. Except for responding to such requests, we do not seek to play a role in filmmaking ventures about the Agency which come to our attention. For example, although we knew that Oliver Stone's movie on JFK was in the works for some time, we did not contact him to volunteer an Agency viewpoint.

e. PAO coordinates the preparation of detailed bacground materials, usually in Q&A format, on major news issues for the DCI and DDCI for their appearances before media groups, world affairs councils, universities, and business and professional groups. PAO also prepares verbatim transcripts of their interviews with reporters and their appearances before media groups.

2) Recommendations:

a. Provide more background briefings, when practical, to a greater number of print and electronic media journalists. Respond more quickly to telephone queries from the media, especially on fast-breaking events. PAO should continue to work with area analysts and specialists so that PAO can respond telephonically to these questions, rather than insisting on an eventual in-person background briefings at Langley. Keep PAO as the conduit for these efforts and ensure that media across the U.S., not only those in the Washington, D.C. area, are aware of our program.

_____Approve _____Disapprove

b. Find more opportunities for the deputy directors to have on-the-record interviews with the media to talk about process and, on occasion, substantive issues.

_____Approve _____Disapprove

c. When there is a major international event that requires the attention of CIA (i.e., the Persian Gulf war), PAO should consider inviting a number of reporters to CIA Headquarters for an unclassified background briefing.

_____Approve _____Disapprove

d. Look for ways to emphasize the changing nature of the intelligence work force and the growing number of women and minorities in each directorate and increasingly in more senior positions. Consider support for some individual profiles which help personalize the world of intelligence in broad circulation newspapers or magazines.[3]

_____Approve

_____Disapprove

B. *ACADEMIA*

1) *Current Program*

a. The Agency has a wide range of contacts with academics through recruiting, professional societies, contractual arrangements and OTE. PAO has recently been designated the focal point for all information about CIA's relations with the academic community. As such, PAO is building a database of information about Agency contacts with academia--conferences and seminars, recruiting, officers and scholars-in-residence, contracts, teaching--and serves as the clearinghouse of such information for Agency employees.

b. PAO officers also speak to approximately 250 academic audiences a year. Subject areas vary, but most focus on the structure and functions of the CIA, its role in the intelligence community, the intelligence process, and congressional oversight. PAO has developed a speakers' package for Agency officers and retirees who speak in public, including an annually updated Q&A package to aid the speaker in answering a broad array of questions.

c. PAO maintains a mailing list of 700 academicians who receive unclassified Agency publications four times a year. Recipients write to praise the quality of the products and to claim that these mailings are one of the most effective ways of reaching out.

d. PAO sponsors the DCI Program for Deans twice a year. This program seeks to expose administrators of academic institutions to senior Agency officials--the DCI, the DDCI, all the DDs, and heads of independent offices--and to give them a sense of what the Agency does, how it operates, and how it fits in and relates to American society.

[3] The recent Denison University Alumni Magazine feature on Martha Kessler is a good example. (See Tab C)

2) Recommendations:

a. The Officer-in-Residence (OIR) program is seen by many as an excellent means of providing a window into CIA for the academic community. The program (currently 13 participants) could be enhanced with dedicated slots and resources, under central management. At present, individual offices provide the positions and about $100,000 per officer. Such enhancement would ensure that selection of schools and officers meets our needs.

_____Approve _____Disapprove

b. PAO should work with OTE and OP to develop a program for CIA employees involved in recruiting to ensure that they are conversant on all issues affecting the CIA with emphasis on the intelligence process and multicultural sensitivities. Provide for periodic update for recruiters on long-term assignment.

_____Approve _____Disapprove

c. PAO's Coordinator for Academic Affairs should take steps to see that CIA becomes an institutional member of relevant scientific and professional societies. Agency employees should participate openly in such meetings as CIA officers. Procedures for individuals to present papers in such fora need to be updated.

_____Approve _____Disapprove

d. Sponsor either unilaterally or in cooperation with academic institutions or other government agencies conferences on the history and craft of intelligence, as well as on other areas of common interest. PAO will work with OTE's Center for the Study of Intelligence on these programs.[4]

_____Approve _____Disapprove

[4] For example, PAO is currently talking with the Truman Library about a conference in late 1992 or 1993 on the origins of the Intelligence Community. A similar conference with the Wilson Center is being considered to mark the 30th anniversary of the Cuban Missile Crisis next fall.

e. Conduct more academic conferences here at Langley. Take the successful DI model of substantive conferences with the academic community and explore how it could be valuable to S&T and DA.

_____Approve _____Disapprove

f. PAO, CPAS and FBIS should examine ways to continue or enhance the program to disseminate unclassified publications (highly valued by all we talked to) to ensure that the Agency is receiving maximum benefit for its efforts.

_____Approve _____Disapprove

g. Encourage the establishment of intelligence studies programs at academic institutions.

_____Approve _____Disapprove

C. *GOVERNMENT*

1. *Current Program:*

a. The Agency has a broad range of contacts throughout government and provides product, briefings, and exchanges to both Executive and Legislative Branches. PAO is an active participant in briefing the military and other government agencies on the CIA, its mission and functions. This year, PAO provided more than 70 briefings to groups from the National Security Agency, Foreign Service, Pentagon, Defense Intelligence College, and the United States Information Agency.

2. Recommendations:

a. OCA should seek additional opportunities for the DCI to appear before congressional committees in open session when such a session helps to educate the public about the role of intelligence and the relevance and accountability of the CIA.

_____Approve _____Disapprove

b. Explore with the SSCI and HPSCI leadership the possibility of having the oversight committees issue an unclassified annual report on the performance of the Intelligence Community.

_____Approve _____Disapprove

c. The DDI and DDS&T in coordination with OCA should reassess the Agency's relationship with CRS and OTA.[5]

_____Approve _____Disapprove

d. PAO should ~~work~~ with PCS to look for ways to reach broader military audiences with information about our programs.

_____Approve _____Disapprove

D. *BUSINESS*

1. *Current Program:*

a. The Agency currently has three types of basic relationships with the US business sector. First, business is an important source of intelligence information via NR collection activities. Second, the US corporate sector is involved in the vast bulk of the Agency's contracting efforts. Finally, business receives selected briefings by the Agency--talks on the counterintelligence challenge, counterterrorism and other presentations at business-oriented conferences organized by groups such as SASA. Given the emphasis on economic security for the United States in the '90s, the business sector is looking to the potential contributions the Intelligence Community can make in this area.

[5] Hill staffers rely heavily on OTA and CRS products. Moreover, active interaction with these congressional support organizations can provide invaluable insights into issues that key House and Senate committees and individual members believe are important, as well as what legislation is under consideration or in the conceptual stage. Some Hill staffers have suggested that CIA assign officers to act as liaison through OCA for relevant OTA projects, as the military services do. For example, OTA is now focusing on two projects of particular interest to several congressional committees, proliferation and economic analyses of other nations as they relate to U.S. industrial competitiveness.

b. This past year, PAO provided remarks and support for the DCI and DDCI for some 40 appearances before outside audiences -- including a wide range of groups from the business, legal and civic communities. Most of these appearances were covered by the media giving even more visibility to our leaders' comments.

c. PAO participates in providing briefings on the CIA to participants in AFCEA's biannual "Intelligence Comunity" course, attended by nearly 200 industry and government representatives.

2. Recommendations

a. Establish a program with appropriate guidelines for providing unclassified, off-the-record (or on background) country-specific briefings (similar to those given to journalists) to corporate leaders. NR should act as the focal point for this effort to consider the potential gain for the Agency in providing such information.

_____Approve _____Disapprove

b. Host groups of CEOs at the Agency for day-long programs similar to the DCI's Program for Deans.

_____Approve _____Disapprove

c. Task the DDS&T to take the lead in a program to consider declassifying the relationship between CIA and many of its contractors that have historically been classified. Many benefits could be derived by the Agency and by the contractors if these relationships and perhaps the general nature of the work involved were revealed.

_____Approve _____Disapprove

E. PRIVATE SECTOR

1. Current Program:

a. PAO officers this year made presentations about the CIA to members of more than 60 civic and service clubs. Rotary and Kiwanis Clubs in particular have been the recipients of this service. PAO took steps to establish a speakers' bureau last spring to increase the number of presentations that the Agency could provide.

b. PAO responds to nearly 4000 pieces of correspondence a year from the public. Queries range from the ridiculous to the scholarly request for information. PAO also answers some 6,000 telephone queries from the public annually.

2. Recommendation:

a. Assign PAO the resources to fund and manage its speaker's bureau to develop a group of effective Agency speakers who can talk about the intelligence process and the role of CIA in a changing world.

_____Approve _____Disapprove

F. *INTERNAL AUDIENCE*

1. *Current Program:*

a. Every business day PAO produces, Media Highlights a 50-75 page collation of newspaper articles, editorials, and commentaries on the Agency and intelligence-related subjects. The staff produces 172 copies of Highlights for distribution throughout the Agency. Modified versions of Highlights have also been prepared and forwarded to the DCI during his trips abroad.

b. In addition, PAO posts "Agency Views" on the Public Affairs bulletin boards throughout the Agency. These are compilations of statements by the DCI, DDCI, and PAO spokesmen on the Agency or intelligence-related issues of the day.

c. PAO also publishes a newsletter quarterly called The Public Eye to inform employees about the activities of PAO and the Agency issues which are being discussed in the media. PAO ensures that transcripts of selected DCI speeches are made available to employees through employee bulletins, on line and in the library.

2. Recommendations:

a. PAO should work with OTE to develop a training course for employees to better understand our relationship with the media with particular emphasis on the rules for background briefings.

_____Approve _____Disapprove

b. PAO should work with OTE to invite more members of the media to speak to CIA groups, either in a class (i.e. mid-career) or at an offsite/seminar. More people in the Agency will need to be exposed to media representatives to better understand and appreciate the work of the media and its appropriate interaction with the Intelligence Community.

_____Approve _____Disapprove

c. The Task Force on Internal Communications is addressing the subject of communications with our own employees, which is the responsibility of Agency managers at all levels. Current and former Agency officers emphasized, however, the need for a program of increased CIA openness to be part of our corporate strategy. That is senior managers must be on board and the employees informed that we are increasing the openness of the Agency and how we plan to do it. To this end we recommend that you:

- Distribute an employee bulletin describing the program for increased CIA openness
- Task senior managers to talk about the program
- Address employees in the bubble on this program and take questions

_____Approve _____Disapprove

EVALUATION OF INCREASED OPENNESS

10. In recommending ways to increase CIA openness, we also wanted to come up with some means to measure the results of these efforts and to make changes in course, as appropriate. Since these are not programs or initiatives that lend themselves readily to quantifiable impact, we need to rely on an evaluation of how the perception of the Agency has changed. This can manifest itself in many ways including: a friendlier, more cooperative working environment for our officers, more interest in employment, more accurate reporting on our activities, etc. To this end, we recommend that you:

a. Task all NR Station Chiefs to provide an annual evaluation of our openness program as it

is seen from their perspective and to make recommendations for changes.

_____Approve _____Disapprove

b. Establish an advisory group of senior business, academics, and government leaders to provide advice on and evaluation of CIA efforts to explain the role of intelligence in the '90s.

_____Approve _____Disapprove

Joseph R. DeTrani, Chairman

James A. Barry, DA

Carl A. Darby, DA

Edwin J. Dietel, DCI Area

Terry S. Kees, DS&T

Eileen Roach Smith, DCI Area

Richard J. Stakem, DI

Frederick A. Turco, DO

/s/
Frederick A. Turco

~~SECRET~~

ER 91-3646

18 November 1991

MEMORANDUM FOR: Director of Public Affairs

FROM: Director of Central Intelligence

SUBJECT: Greater CIA Openness

1. In my hearings, I indicated my desire to continue Director Webster's policies in terms of improving accessibility to information about CIA by the public and overall openness to the extent possible, whether through background briefings for the press, public speeches by senior officials, or appearances on college campuses and elsewhere by professionals within CIA. I would like for you to appoint a task force to review these practices and see how they can be improved, and also to suggest additional proposals for making more information about the Agency available to the American people and to give greater transparency to our organization, internal control mechanisms, and steps that we take to ensure compliance with the law, actions consistent with the values of the American people, and cooperation with Congress. I invite you to include non-Agency individuals in your task force if that is appropriate and useful.

2. I would like to have your report and recommendations by 20 December 1991.

RG.

Robert M. Gates

CL BY 484270
DECL OADR

~~SECRET~~

1HBB

The Task Force Members received views on Greater CIA Openness from the following:

ACADEMIC

Allan Goodman, Georgetown
Ernest May, Harvard
Dick Neustadt, Harvard
Greg Treverton, Harvard
Ralph Weber, Marquette

GOVERNMENT

Mark Lowenthal, Congressional Research Service
Paula Scalingi, HPSCI Staff
Dorrance Smith, White House
George Tenet, SSCI Staff Director

BUSINESS/PRIVATE SECTOR

William Colby
David Garth, Chairman of the Board, The Garth Group, Inc.
Ambassador Richard Helms
Evan Hineman, Senior V.P., TASC
Jerry Jasinowski, President National Association of Manufacturers
Barry Kelly, Vice President, Special Project, Ball Aerospace
Bob Kohler, Group Vice President and General Manager, Avionics and Surveillance Group, TRW
John McMahon, Group President, Lockheed Missile Space Systems
Peter Morino, Senior Vice President, E Group Systems
Al Munson, Vice President and General Manager, System Development Division, TRW

MEDIA

Wolf Blitzer - CNN
Karen DeYoung - THE WASHINGTON POST
Rob Doherty - Reuters
Len Downie - THE WASHINGTON POST
Bill Gertz - THE WASHINGTON TIMES
Brad Graham - THE WASHINGTON POST
David Ignatius - THE WASHINGTON POST
Bob Kaiser - THE WASHINGTON POST
Doyle McManus - THE LOS ANGLES TIMES
Knut Royce - NEWSDAY
John Scali - ABC
Bruce Van Voorst - TIME
Tim Weiner - The PHILADELPHIA INQUIRER

DENISON

MAGAZINE

SPIES LIKE US?

Well, not quite. Central Intelligence Agency analyst Martha Neff Kessler '67 has no connection with Nathan Hale, the nation's first spy. Instead, she has the important task of briefing the President on developments in the Middle East.

Back in 1967, college senior Martha Neff often walked by the biblical inscription on the front gates of Denison at the bottom of the drag, "Ye shall know the truth and the truth shall make you free."

Today, she passes by the same inscription each morning as she hurries to her office in the Langley, Va., headquarters of the Central Intelligence Agency. The quotation is etched into the south wall of the original CIA headquarters lobby as a reminder of the role of intelligence in a free society.

Martha's task as division chief within the Office of Near Eastern and South Asian Analysis is to convert raw information into finished intelligence which is presented to the President of the United States, the Secretaries of State and Defense, other key members of the President's Cabinet, members of the National Security Council and committees of Congress.

"The first President I briefed was Jimmy Carter and that initial trip into the oval office was truly exciting. Then, since the agency has the responsibility for briefing the President-elect, I spent quite a bit of time with Ronald Reagan. George Bush sent me a very nice handwritten note after I briefed him on Lebanon when he was director of the CIA. I felt he was an especially thoughtful and people-oriented individual," Martha notes.

One of the biggest changes I've seen in my 20 years with the agency is the growing demand for oral briefings. President Bush gets briefed directly by the agency and Director of Central Intelligence William H. Webster goes down to Capitol Hill several times a week. Although the people in the Executive branch are the primary recipients of intelligence information, Congress has become an increasingly eager consumer. It received 5000 documents and 1000 briefings last year. This means that I, or someone like me, goes either with Director Webster or alone to brief a member or several members of the intelligence or foreign affairs committees of Congress and their staffers. We deliver the oral briefs and backup written material. After the formal

Article by
FLEUR W. METZGER

Photographs by
J. PHIL SAMUELL

At the Agency by 7:30 a.m., Martha prepares for another crisis-filled day. Stress levels in her office have escalated since the August invasion of Kuwait.

part there is often a lot of give and take, with questions," she explains.

"The agency is divided into four parts —the directorates of science and technology, operations (the clandestine side), administration and intelligence, which is my part. We are like a big think tank which provides support for our country's decision makers," Martha continues.

Because it deals with the Near East, Martha's office has been on a 24-hour schedule since the Persian Gulf crisis began last August. "We are not a policy making body," she says. "We are basically a support system for the people who have to make very difficult decisions, as in the present crisis. You have a sense of being on the ground level of thinking through major problems for your country. Periods like this are 110 percent time, when your performance is right out there on the edge.

"There are situations when we must stay here 'till the wee hours, but things start to improve when a crisis is into its third and fourth day. Then you can deploy people in task forces which work 10-hour shifts—it's all part of crisis management," she concludes.

On a typical day, Martha rushes out of her home in suburban Washington early enough to be at work between 7 and 7:30 a.m. "We're very much of a morning-oriented office, partially because we're dealing with a part of the world that has a seven-hour difference in the time zone and also because we need to have time to contemplate what has happened since the night before. After doing a lot of reading to determine what is going on, I meet with a large group of Middle East analysts in my office to decide what we want to deal with that day. Along with current intelligence, we also have many long-range assignments to work on."

Martha was born in Kalamazoo, Mich., but while an infant moved with her family to Granville, Ohio. She has fond childhood memories of growing up in the sleepy little town, and often visiting the college on the hill. Her family moved back to Michigan when she was in high school but she returned to Denison as a college student, majoring in political science. After earning a bachelor of arts degree in 1967, she completed a master's degree in combined international studies at Western Michigan University in 1969, focusing on the Middle East and Africa.

Martha moved to Washington that summer, awaiting final clearances for her employment by the CIA. "My decision to come to the agency was based on my judgment that it was going to give a woman more responsibility faster than the State Department would. I considered going into the operations side—as an agent—but decided I didn't want to live overseas most of my adult life," she adds. At a party she attended soon after joining the CIA, Martha met Ken Kessler, a Washington-based psychiatrist whom

she married five years later.

"Joining the agency wasn't a socially acceptable thing to do back then," she admits, "and people would sometimes walk out of the room when they heard where I worked. But since then, the American public has become more knowledgeable and sophisticated in their understanding of the need for intelligence. They are also aware of safeguards which have been established to oversee many CIA activities."

Martha feels the agency consistently has been progressive in building and maintaining its work force, providing employees with support to keep them healthy and help them deal with family problems. The CIA was one of the first agencies in the federal government to have a child care center for its employees, opening the Langley Children's Center in September 1989. "This is a highly stressful profession, but we have one of the lowest turnover rates in government," she says.

Although many analysts in the intelligence directorate choose to specialize in a variety of geographical areas or in some other aspect of intelligence, Martha has focused solely on the Middle East. "I began in that area, and my baptism by fire was the 1973 war. The disintegration of Lebanon, the Soviet invasion of Afghanistan, the rise of the revolutionary government in Iran and the hostage crisis —those were all in the '70s. The '80s brought the Israeli invasion of Lebanon and the Iran/Iraq war," she recalls. "I often wonder why I couldn't have become interested in Europe," she muses.

In 1982, Martha was awarded the National Intelligence Medal of Achievement for her 2 ½ years' service as an Assistant National Intelligence Officer for the Near East-South Asia on the National Intelligence Council. The citation reads in part: ". . .she gave an extraordinarily outstanding performance as a senior-level staff officer. During this period of particular turbulence, Mrs. Kessler demonstrated an exemplary ability to track and manage multiple intelligence tasks and projects simultaneously and proved herself eminently capable in the important area of crisis management. Her uncommon professionalism, diligence, resourcefulness and determination won the respect and admiration of her colleagues both at the Agency and

Martha reviews the Kesslers' plans for a major renovation of their home, built in 1927 in the Spring Valley section of Washington, D.C.

within the Intelligence Community..."

"As I look back on my academic training at Denison, the things that proved the most valuable were my courses in logic, statistics, religion and philosophy. Working through that material is where I honed my thinking and writing skills. In this job, the importance of being able to express yourself without any ambiguity is critical. You can't wing it with the material we're dealing with—you have to be absolutely clear. For undergraduates who are considering the agency, the most fundamental skill required is the ability to express yourself both orally and in writing," she concluded.

Martha spent 1986 as a Senior Fellow at the National Defense University, doing research on national security issues and on Syria in particular. The university hosts about 24 Senior Fellows each year, most of whom are military officers at the lieutenant colonel and colonel level and selects the best of their research for publication. About four or five books are published from the program each year. Martha's book, *Syria: Fragile Mosaic of Power*, was published in 1987 by the National Defense University Press. The book is dedicated to her family and to Robert Ames, a colleague who was killed while consulting in Beirut in 1983.

"I wanted to do research on Syria because I had not served on it as an analyst and I felt there was a gap in my knowledge. The year's sabbatical gave me an opportunity to catch up on all the literature on the area, and I spent a lot of time just reading. It was a chance to stand back from my work and get my intellectual batteries recharged. Someday I'd like to write another book, either on Syria or on Islamic fundamentalism," she added.

The sabbatical also permitted her to spend more time with husband Ken and daughters Justine and Lauren, who are now 13 and 8 respectively. "The balancing act of having children and a career is the biggest challenge I will ever face," Martha states. "I know that my children and my husband don't get as much of my time as they would like or as I would like to give them. Although my job is very demanding, the principle I have lived with, particularly since Lauren was born, is that these children are my number one priority. There is always someone who can step in behind me at the agency, but no one can be a backup mother to the girls. Luckily, the agency has been very understanding of my feelings about this," she adds.

"We are extremely fortunate because we have been able to have a fulltime housekeeper, so the girls have had our home as a stable part of their lives. I'm very sympathetic to housewives who take umbrage at the glorification of the working woman. Most of my close friends do not work, and although I'm occasionally envious of their lifestyle, when I'm being

Martha becomes sous chef *when husband Ken turns his talents to gourmet cooking.*

more realistic I realize they are working just as hard as I am," she comments.

Martha and her friends have a regular Saturday tennis game indoors or out, depending on the weather, and she sometimes tries to squeeze in a set or two during her lunch hour. She and Ken also play tennis and share a wide range of interests including sailing, scuba diving and gourmet cooking. "Ken is a really good cook and I'm basically the assistant," Martha confesses. "He is one of those people who can taste a dish in a restaurant, go home and pretty much replicate it."

Ken is a psychiatrist-turned businessman and is president of a company which he founded in 1983 to provide mental health cost containment services to large companies and he, too, has a demanding business life. "But he finds time to be extremely well read and is a wonderful sounding board for me in the areas in which I'm interested," Martha says.

During summers, they spend as much time as possible at their home in Rehoboth, Del., enjoying the serenity and the time for the family to be together. "I really believe that growing up in Granville defined for me what is a normal way of life, and I often feel a need to retreat from the high pressured life in Washington. Just driving from one place to another here, you're in a state of siege, and of course my occupation adds an additional dimension of stress to my life."

Martha concludes, "I don't think there are many professions that are quite as demanding as mine. I'm not sure I truly comprehended when I began that I was getting involved in a life event that would require me to hand over so much of my time to my profession. But I love my work. You have to have a commitment to public service and be acutely aware all the time that you are working on national security issues. The challenge of dealing with information overload in this age of computers, of sifting through all that information and deciding what is important, is never ending."

Martha in the lobby of the old CIA headquarters building in Langley, Va.

Perhaps the inscription on Denison's gate and the CIA wall had had a subliminal effect on Martha. For she continues to search for the truth and, through her efforts, to help the people who make the country's foreign policy decisions that will affect all of our lives.

14. CIA HISTORICAL REVIEW PROGRAM

SYNOPSIS. This regulation prescribes the responsibilities, guidelines, and procedures for the declassification review and release of permanent Agency records under the CIA Historical Review Program.

a. GENERAL

(1) The Agency's Historical Review Program (hereafter, the Program) is established to make significant historical information available to the public without damage to the national security interests of the United States. This includes systematic review for declassification and release of: all permanent records 30 years old or older (with the exception of designated operational files); other records on selected topics or events; certain National Intelligence Estimates; and CIA documents that the Department of State selects for inclusion in its Foreign Relations of the United States series.

(2) Reaffirming the principle that the US Government's records should be available to the public, this Program will declassify and release to the public the maximum volume of historical records consistent with:

(a) The responsibilities of the Director of Central Intelligence (DCI) under the National Security Act of 1947 and the CIA Act of 1949, as amended, to protect intelligence sources and methods and organizational and personnel information.

(b) The requirements of Executive Order 12356 and successor orders to protect national security information.

(c) Provisions of law that govern the public disclosure of information.

(3) The Agency will transfer records declassified and approved for release under this Program (including documents released for publication in the Department of State's Foreign Relations of the United States series) to the National Archives and Records Administration (hereafter, National Archives) for public use.

b. AUTHORITY. The Historical Review Program is established in accordance with:

(1) Executive Order 12356, which prescribes a uniform system for classifying, declassifying, and safeguarding national security information, and provides in § 3.3(c) that the DCI may establish special procedures for systematic review for declassification of classified information pertaining to intelligence activities (including special activities), or intelligence sources or methods.

(2) The responsibility of the DCI under § 102(d)(3) of the National Security Act, as amended, 50 U.S.C. § 403(d)(3), to protect intelligence sources and methods from unauthorized disclosure.

(3) Section 6 of the CIA Act of 1949, as amended, 50 U.S.C. § 403g, which exempts the Agency from the provisions of any law requiring the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed.

(4) The CIA Information Act of 1984, 50 U.S.C. § 431, which exempts certain operational files from the search and review provisions of the Freedom of Information Act.

(5) Section 198 of P.L. 102-138 (new Title IV of the State Department Basic Authorities Act of 1956, Sections 402 & 403), which require CIA to provide full and complete access to its records to Department of State historians compiling the Foreign Relations of the United States documentary series, and to review for declassification records selected for inclusion in that series.

c. RESPONSIBILITIES

(1) THE DIRECTOR, CENTER FOR THE STUDY OF INTELLIGENCE, has principal responsibility for the Historical Review Program. Custody, control, and declassification authority for records selected and received for review under the Program will be transferred from the components to the Director, Center for the Study of Intelligence, for all purposes. At the beginning of each calendar year the Director, Center for the Study of Intelligence, will submit a report to the DCI on the Program's work in the past year, and on its plans for the year ahead.

(2) In the Center for the Study of Intelligence the History Staff and the Historical Review Group are responsible for carrying out the Program.

(a) The History Staff will select groups of records for systematic declassification review, and locate and assemble for review records on events or topics of historical interest selected with the approval of the DCI. In accordance with Section 198 of P.L. 102-138, the History Staff will also coordinate with the Department of State's Office of the Historian to provide properly cleared and designated Department of State historians and members of its Advisory Committee on Historical Diplomatic Documentation with full and complete access to CIA records in selecting documents for possible inclusion in the Foreign Relations of the United States series. (Such CIA records must be pertinent to United States foreign policy and at least 26 years old when requested.)

(b) The Historical Review Group will be responsible for declassification review of records under the Program in accordance with this Regulation and additional guidance promulgated by the Director, Center for the Study of Intelligence, with the DCI's approval.

(c) In conducting this Program, the History Staff and Historical Review Group will advise the responsible components concerning the selection of records to be reviewed under the Program and will consult as necessary with the Agency Archivist and responsible directorate and DCI area Information Review Officers during the declassification review.

(d) To advise the Program on its policies and procedures the Director, Center for the Study of Intelligence, may from time to time convene the Historical Review Panel, which will include the Archivist of the United States, the Librarian of Congress, and representatives of the historical profession.

(3) The Agency Archivist will assist the Historical Review Group in maintaining the integrity of all permanent records (as determined by the Archivist of the United States) received or created by the Agency, and in

preparing appropriate documentation to provide data for an annual index of all Agency documents approved for release under this Program or through other means. The Agency Archivist will transfer records declassified and released under the Program to the National Archives.

(4) The History Advisory Board will advise the History Staff in its responsibilities for the Historical Review Program.

d. CRITERIA FOR REVIEW PRIORITY—

(1) The History Staff, with the assistance of the Agency Archivist and the relevant Information Management Officers, will use archival data and listings that describe the Agency's permanent records as well as on-site research at the Agency Archives and Records Center to identify and locate specific groups of records for review under the Program.

(2) The History Staff will determine the order in which records are reviewed, using as primary criteria their historical value, public interest in the subject matter, and their potential yield of documents that can be released. The Program will give special attention to records originated by the DCI or his principal subordinates and other senior Agency officials, finished intelligence, and disseminated intelligence reports. Priority for review will also be given to file series requiring prompt reproduction or other conservation action to ensure preservation of the information contained in the records.

(3) The History Staff will evaluate records in light of the contribution their declassification and release can make to understanding the history of CIA and its role in US intelligence, foreign policy, and international developments.

(4) To determine historical value, the Chief, History Staff, will consider the recommendations of the Historical Review Panel, and of a wide range of government, academic, and private historians.

(5) The following records will be subject to systematic declassification review:

(a) All permanent records held by the Agency that are 30 years old or older when reviewed, with the

(2) The Center for the Study of Intelligence will make the determinations of the Historical Review Group available to the deputy directors, heads of independent offices, or their designees, whose components originated or have a substantial interest in the records. The responsible official will have 30 working days from the date of receipt of such records in which to appeal in writing to the Director, Center for the Study of Intelligence, any decision to declassify and release information.

(3) If the appeal is denied, the responsible deputy director or head of independent office will have 10 working days from the receipt of the decision of the Director, Center for the Study of Intelligence, to appeal that decision in writing to the Director of Central Intelligence, whose decision will be final.

(4) The Historical Review Group will maintain a record of all final determinations.

(5) At the time of review, the Historical Review Group will identify Agency records that cannot be declassified. The Historical Review Group will again review such records for declassification at a date not more than 10 years later specified by the Director, Center for the Study of Intelligence. That date will be marked on the document.

(6) This Regulation is intended to provide direction and guidance for those engaged in declassification review of records under the CIA Historical Review Program. Nothing contained in this Regulation or in any procedures promulgated to implement this Regulation is intended to confer, and does not confer, any substantive or procedural right or privilege on any person or organization.

APPROVED:

Robert M. Gates
Director of Central Intelligence

4-28-92
Date

MEMORANDUM OF UNDERSTANDING

BETWEEN THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

AND THE CENTRAL INTELLIGENCE AGENCY

SUBJECT: Procedures for Handling Records Transferred to NARA under the CIA Historical Review Program

I. PURPOSE

The purpose of this Memorandum of Understanding between the National Archives and Records Administration (NARA) and the Central Intelligence Agency (CIA) is to outline procedures for handling records or copies of records that the CIA transfers to NARA under the Historical Review Program for release to the general public.

II. BACKGROUND

The CIA Information Act of October 1984 required the Director of Central Intelligence (DCI) to consult with the Archivist of the United States, the Librarian of Congress, and representative historians and report to four congressional committees on the feasibility of conducting a program for the systematic review, declassification and release to the public of CIA information of historical value. After these consultations the DCI reported to Congress in May 1985 that such a program was feasible, and that a Historical Review Program had been established in accordance with the recommendations of the consultants. Balancing the Agency's statutory duty to protect intelligence sources and methods with legitimate public interest in CIA records, this program aims to release inactive records, appraised as permanently valuable, to the public through the National Archives without risking damage to national security. To select material for review, permanent records held by the Agency are searched chronologically, beginning with the earliest. Since the panel of consultants (which as Archivists of the United States Dr. Robert Warner convened in 1985 and Dr. Frank Burke in 1987), concluded that the release of sanitized documents is preferable to withholding whole documents, the program will release sanitized or redacted electrostatic copies of documents along with fully declassified and unclassified records to the public through the National Archives.

III. RESPONSIBILITIES AND PROCEDURES

The National Archives and Records Administration and the Central Intelligence Agency agree to the following:

A. In Record Group 263, Records of the Central Intelligence Agency, NARA will establish a subgroup to accommodate the transfer of records from the CIA Historical Review Program. Into this subgroup, the National Archives will accession from the CIA Historical Review Program electrostatic copies which have been sanitized to protect sensitive intelligence sources or methods.

B. A document will be sanitized only if its historical significance can be retained. In such cases, the CIA will provide NARA with an electrostatic copy of the sanitized record in place of the original record.

C. The National Archives will advise users of the Historical Review Program subgroup of RG 263 that they may apply directly to CIA under the provisions of the Freedom of Information Act or the mandatory review provisions of Executive Order 12356 to obtain review of withheld portions of sanitized records.

D. As additional portions are declassified, CIA will provide NARA with a current electrostatic copy to be accessioned into the RG 263 subgroup, Records of the Historical Review Program. These items will be added to the holdings but not substituted for previously accessioned sanitized copies.

E. When all portions of a record are declassified, the original record will be offered to the National Archives, to be accessioned into the subgroup of RG 263 to which it belongs by provenance. The electrostatic copies, however, will remain in the RG 263 subgroup for the Historical Review Program. Any disposal of electrostatic copies will be in accordance with the procedures for internal disposition of accessioned records.

F. For a withdrawn document, CIA will insert a withdrawal sheet clearly marking the place where it has been withdrawn. If the sensitivity of the withdrawn record decreases and sanitization becomes possible, an electrostatic copy of the sanitized record will be offered to NARA. When a withdrawn record is totally declassified,

the original record will be offered to NARA, to be accessioned into the subgroup of RG 263 to which it belongs by provenance.

G. The procedures set forth in this Memorandum of Understanding will become effective upon its execution by both NARA and CIA.

DON W. WILSON
Archivist of the United States

Date JUN 5 1989

WILLIAM H. WEBSTER
Director of Central Intelligence

Date 6-1-89

102D CONGRESS
2D SESSION

H. J. RES. 454

To provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 1992

Mr. STOKES (for himself, Mr. CONYERS, Mr. BROOKS, Mr. ROSE, Mr. HAMILTON, Mr. MOAKLEY, Mr. FAZIO, Mr. HORTON, Mr. TRAFICANT, Mr. WELDON, Mr. CLAY, Mr. CAMPBELL of Colorado, Mr. ROHRABACHER, Mr. AUCOIN, Mr. PICKETT, Mr. LEACH, Mr. MILLER of California, Mr. JACOBS, Mr. CLEMENT, Mr. WYLIE, Mrs. SCHROEDER, Mr. SERRANO, Mr. MCNULTY, Mr. MARTINEZ, Mr. SANTORUM, Mr. LEWIS of Florida, Mr. SHARP, Mr. DREIER of California, Mr. KOPETSKI, Mr. BEREUTER, Mr. EMERSON, Mr. WAXMAN, Mr. HEFLEY, Mr. PETERSON of Florida, Mr. GILMAN, Mr. BACCHUS, Mr. SKAGGS, Ms. SLAUGHTER, Mr. SLATTERY, Mr. ABERCROMBIE, and Mr. MINETA) introduced the following joint resolution; which was referred jointly to the Committees on House Administration, Government Operations, Rules, and the Judiciary

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JOINT RESOLUTION

To provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Joint Resolution may be cited as the "Assassination Materials Disclosure Act of 1992".

SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSE.

(a) FINDINGS AND DECLARATIONS.—The Congress finds and declares that—

(1) the legitimacy of any government in a free society depends on the consent of the people;

(2) the ability of a government in a free society to obtain the consent of the people is undermined to the degree that the people do not trust their government;

(3) the disclosure of records in the possession of the Government relevant to the assassination of President John F. Kennedy will contribute to the trust of the people in their government;

(4) the disclosure of records in the possession of the Government relevant to the assassination of President John F. Kennedy should proceed as expeditiously as practicable; and

(5) all records in the possession of the Government relevant to the assassination of President John F. Kennedy should be released to the public at the earliest opportunity, except where clear and convincing justification exists for postponing the disclosure

of such records to a specified time or following a specified occurrence in the future.

(b) PURPOSE.—The purpose of this Joint Resolution is to secure the expeditious disclosure of records relevant to the assassination of President John F. Kennedy as soon as practicable consistent with the public interest.

SEC. 3. DEFINITIONS.

In this Joint Resolution:

(1) "Archivist" means the Archivist of the United States.

(2) "Assassination material" means a record that relates in any manner or degree to the assassination of President John F. Kennedy, that was created or obtained by the House Committee, the Senate Committee, the Warren Commission, or an Executive agency or any other entity within the Executive branch of the Government, and that is in the custody of the House of Representatives, the Senate, the National Archives, or any other Executive agency, but does not include (A) material to the extent that it pertains to personnel matters or other administrative affairs of a congressional committee, the Warren Commission, or any entity within the Executive branch of the Government; or (B) the autopsy materials donated by the Kennedy family to the Na-

tional Archives pursuant to a deed of gift regulating access to those materials, which are addressed in subsection 10(b) of this Joint Resolution.

(3) "Committee" means the House Committee or Senate Committee.

(4) "Executive agency" means an Executive agency as defined in subsection 552(f) of title 5, United States Code.

(5) "House Committee" means the Select Committee on Assassinations of the House of Representatives and the Permanent Select Committee on Intelligence of the House of Representatives acting under this Joint Resolution with respect to assassination materials in the custody of the House of Representatives.

(6) "National Archives" means the National Archives and Records Administration.

(7) "Originating body" means the Executive agency, commission, or congressional committee that created the particular record or obtained the particular record from a source other than another entity of the Government, or the custodian of records of that agency, commission, or committee for purposes of this Joint Resolution. For purposes of this Joint Resolution, (A) the custodian of records of the

Select Committee on Assassinations of the House of Representatives is the Permanent Select Committee on Intelligence of the House of Representatives; (B) the custodian of records of the Select Committee to Study Governmental Operations With Respect to Intelligence of the Senate is the Select Committee on Intelligence of the Senate; and (C) the custodian of records of the Warren Commission is the Archivist of the United States.

(8) "Record" includes a book, paper, map, photograph, machine readable material, computerized, digitized, or electronic information, regardless of the medium on which it is stored, or other documentary material, regardless of its physical form or characteristics.

(9) "Review Board" means the Assassination Material Review Board established under section 5.

(10) "Senate Committee" means the Select Committee to Study Governmental Operations With Respect to Intelligence of the Senate and the Select Committee on Intelligence of the Senate acting under this Joint Resolution with respect to assassination materials in the custody of the Senate.

(11) "Warren Commission" means the President's Commission on the Assassination of President John F. Kennedy.

SEC. 4. PUBLIC DISCLOSURE OF MATERIALS BY CONGRESS AND THE EXECUTIVE BRANCH.

(a) IN GENERAL.—Except for assassination material or particular information in assassination material the disclosure of which is postponed under section 8, all assassination materials shall be transferred to the National Archives and made available for inspection and copying by the general public as soon as practicable.

(b) FEES FOR COPYING.—The Archivist shall charge fees for copying and grant waivers of such fees pursuant to the standards established by section 552 of title 5, United States Code.

(c) PRINTING AND DISSEMINATION OF ASSASSINATION MATERIALS.—(1) The Archivist may provide copies of assassination materials of broad public interest to the Government Printing Office, which shall print copies for sale to the public.

(2) Assassination materials printed by the Government Printing Office pursuant to this subsection shall be placed in libraries throughout the United States that are Government depositories in accordance with the provisions of chapter 19 of title 44, United States Code.

SEC. 5. ASSASSINATION MATERIALS REVIEW BOARD.

(a) ESTABLISHMENT.—There is established as an independent agency a board to be known as the Assassination Materials Review Board.

(b) APPOINTMENT.—(1) The division of the United States Court of Appeals for the District of Columbia Circuit established under section 49 of title 28, United States Code, shall, within ninety calendar days of the date of enactment of this Joint Resolution, appoint, without regard to political affiliation, five distinguished and impartial private citizens, none of whom are presently employees of any branch of the Government and none of whom shall have had any previous involvement with any investigation or inquiry relating to the assassination of President John F. Kennedy, to serve as members of the Review Board.

(2) A vacancy on the Review Board shall be filled in the same manner as the original appointment was made under paragraph (1).

(3) The members of the Review Board shall be deemed to be inferior officers of the United States within the meaning of section 2 of article II of the Constitution.

(c) CHAIR.—The members of the Review Board shall elect 1 of its members as chair at its initial meeting.

(d) COMPENSATION OF MEMBERS.—(1) A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay pre-

scribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) A member of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Review Board.

(e) STAFF.—(1) The Review Board may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as are necessary to enable the Review Board to perform its duties. The individual appointed Executive Director shall be a person of integrity and impartiality who is not a present employee of any branch of the Government and has had no previous involvement with any investigation or inquiry relating to the assassination of President John F. Kennedy.

(2) The Review Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classifica-

tion of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(3) At the request of the Executive Director, Executive agencies, including the National Archives and other originating bodies within the Executive branch, shall detail to the Review Board such employees as may be necessary and appropriate to carry out the review required by this Joint Resolution. Any employee detailed to the Review Board for this purpose shall be detailed without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) The Review Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) INAPPLICABILITY OF CERTAIN LAWS.—The following laws shall not apply to the Review Board:

(1) Subchapter II of chapter 5 of title 5, United States Code.

(2) Chapter 7 of title 5, United States Code.

(3) Section 3105 and 3344 of title 5, United States Code.

(g) DUTIES.—The Review Board shall consider and render decisions on referrals by the Executive Director and appeals as provided in section 7 for a determination—

(1) whether a record constitutes assassination material subject to this Joint Resolution; and

(2) whether a record or particular information in a record qualifies for postponement of disclosure under this Joint Resolution.

(h) REMOVAL.—(1) A member of the Review Board may be removed from office, other than by impeachment and conviction, only by the action of the President or the Attorney General acting on behalf of the President, and only for inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member's duties.

(2)(A) If a member of the Review Board is removed from office, the Attorney General shall promptly submit to the division of the court that appointed the members of the Review Board, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report specifying the facts found and the ultimate grounds for the removal.

(B) The division of the court, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives shall make available to the public a report submitted under subparagraph (A), except that the division of the court or either judiciary committee may, if necessary to protect the rights of a person named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report.

(3)(A) A member of the Review Board removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court, for the District of Columbia.

(B) A member of the division of the court that appointed the members of the Review Board may not hear or determine a civil action or an appeal of a decision in a civil action brought under subparagraph (A).

(C) The member may be reinstated or granted other appropriate relief by order of the court.

(i) OVERSIGHT.—(1) The appropriate committee of the House of Representatives and the Select Committee on Intelligence of the Senate shall have continuing oversight jurisdiction with respect to the official conduct of the Review Board, to include access to any records held or created by the Review Board, and the Review Board

shall have the duty to cooperate with the exercise of such oversight jurisdiction.

(2) The Review Board shall submit to the Congress such statements or reports on the activities of the Review Board as the Review Board considers to be appropriate in addition to the notifications required by subsection 8(g).

(j) SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide administrative services for the Review Board on a reimbursable basis. The Archivist shall provide support services for the Review Board to include, as necessary, office space, clerical support, and personnel support, on a reimbursable basis.

(k) INTERPRETIVE REGULATIONS.—The Review Board may issue interpretive regulations.

(l) TERMINATION.—(1) The Review Board and the terms of its members shall terminate within two years of the date upon which the Board is formally constituted pursuant to this Joint Resolution and begins operations: *Provided,* That, if the Review Board has not completed its work pursuant to this Joint Resolution within such two-year period, it may, by majority vote, extend its term for an additional one-year period for such purpose. Any additional extension of the Review Board and the terms of its members shall be authorized by the Congress.

(2) At least thirty calendar days prior to the completion of its work, the Review Board shall provide written notice to the President and the Congress of its intention to terminate its operations at a specified date.

SEC. 6. GROUNDS FOR POSTPONEMENT OF DISCLOSURE.

Disclosure to the general public of assassination material or particular information in assassination material may be postponed if its release would—

(1) reveal—

(A) an intelligence agent;

(B) an intelligence source or method which is currently utilized, or reasonably expected to be utilized, by the United States Government; or

(C) any other matter currently relating to the military defense, intelligence operations or conduct of foreign relations of the United States;

and the threat to the military defense, intelligence operations or conduct of foreign relations of the United States posed by its disclosure is of such gravity that it outweighs any public interest in its disclosure.

(2) constitute an invasion of privacy of a living person, whether that person is identified in the ma-

terial or not, and that invasion of privacy is so substantial that it outweighs any public interest in its disclosure;

(3) constitute a substantial and unjustified violation of an understanding of confidentiality between a Government agent and a witness or a foreign government; or

(4) disclose a security or protective procedure currently utilized, or reasonably expected to be utilized, by the Secret Service or other Government agency responsible for protecting Government officials, and that disclosure is so harmful that it outweighs any public interest in its disclosure.

SEC. 7. REVIEW OF MATERIALS BY THE EXECUTIVE DIRECTOR.

(a) RELEASE OF ALL ASSASSINATION MATERIALS TO THE EXECUTIVE DIRECTOR.—Each Executive agency, including the National Archives, shall make available to the Executive Director all assassination materials, as defined in section 3, in its possession, including but not limited to, in the case of the National Archives, the records of the Warren Commission, the House Committee, and the Senate Committee. Where the agency is uncertain if a record is assassination material, it shall make that record available to the Executive Director. The Executive Direc-

tor shall have the authority and responsibility, where circumstances warrant, to inquire of any Executive agency as to the existence of further records that may be assassination materials beyond those made available by that agency, to obtain access to such records, and to recommend that the Review Board subpoena such records in the event of denial of such access.

(b) EXECUTIVE DIRECTOR RESPONSIBILITY.—The Executive Director shall have responsibility for reviewing all records that are made available by Executive agencies, including the National Archives, pursuant to subsection 7(a).

(c) CONSULTATION BY EXECUTIVE DIRECTOR.—The Executive Director may consult with the originating body for advice and information in reaching a decision with respect to the disclosure or nondisclosure of assassination materials.

(d) PRESUMPTION FOR RELEASE.—In the absence of clear and convincing evidence that an assassination material or particular information within an assassination material falls within the exemptions established in section 6 of this Joint Resolution, the Executive Director shall direct that the assassination material or particular information be released pursuant to subsection 7(e)(1).

(e) EXECUTIVE DIRECTOR DECISION.—After review of each record, the Executive Director shall, as soon as practicable after the date of enactment of this Joint Resolution, either—

(1) notify the originating body or bodies that the record is assassination material that is appropriate for release in its entirety pursuant to the standards established in this Joint Resolution. In such event, the Executive Director shall transmit the record to the Archivist and the Archivist shall make the record available for inspection and appropriate copying by the public, unless within thirty calendar days of notification an originating body files a notice of appeal with the Review Board: *Provided,* That any record that, in the judgment of the Executive Director, arguably falls within subsection 6(2), shall automatically be referred to the Review Board pursuant to subsection 7(e)(2)(D); or

(2) refer the record to the Review Board, accompanied by a written determination, indicating one of the following:

(A) that, in the Executive Director's judgment, the record is not assassination material;

(B) that, in the Executive Director's judgment, the record is assassination material that

qualifies for postponement of disclosure under section 6 or contains particular information that qualifies for postponement of disclosure under section 6;

(C) that full Review Board investigation and/or Review Board judgment appears appropriate for a determination as to whether the record or particular information in the record qualifies for postponement of disclosure under section 6 and thus that this determination shall be vested in the Review Board rather than the Executive Director; or

(D) that, in the Executive Director's judgment, the record arguably falls within subsection 6(2) and thus that the determination as to whether the record qualifies for postponement of disclosure shall be vested in the Review Board rather than the Executive Director.

SEC. 8. DETERMINATIONS BY THE REVIEW BOARD.

(a) APPEALS AND REFERRALS.—The Review Board shall review and apply the standards for release set forth in this Joint Resolution to—

(1) all records that are the subject of appeals pursuant to section 7(e)(1); and

(2) all records referred to the Review Board by the Executive Director pursuant to section 7(e)(2).

(b) PRESUMPTION FOR RELEASE.—In the absence of clear and convincing evidence that an assassination material or particular information within an assassination material falls within the exemptions established in section 6 of this Joint Resolution, the Board shall direct that the assassination material or particular information be released pursuant to subsection 8(h).

(c) POWERS.—The Review Board shall have authority to hold hearings, administer oaths, and subpoena witnesses and documents, and its subpoenas may be enforced in any appropriate Federal court by the Department of Justice acting pursuant to a lawful request of the Review Board.

(d) ADDITIONAL MATERIALS.—The Review Board shall have the authority and responsibility, where circumstances warrant, to inquire of any Executive agency as to the existence of further records that may be assassination materials beyond those made available by that agency, to obtain access to such records, and to use its subpoena power in support of this authority.

(e) WITNESS IMMUNITY.—The Review Board shall be considered an agency of the United States for purposes of section 6001 of title 18, United States Code.

(f) REVIEW BOARD DETERMINATIONS.—After review of each record, the Review Board shall determine whether such record is assassination material, and, if so, whether such assassination material, or particular information in the assassination material, qualifies for postponement of disclosure pursuant to section 6. Any reasonably segregable particular information in an assassination material shall be considered for release after deletion of information in that assassination material that qualifies for postponement of disclosure. Where an entire assassination material qualifies for postponement of disclosure pursuant to section 6, the Board may, after consultation with the originating body and if consistent with and to the extent consistent with section 6, create and prepare for release a summary of the assassination material in order to provide for the fullest disclosure feasible. Where particular information in an assassination material qualifies for postponement of disclosure pursuant to section 6, the Board may, after consultation with the originating body and if consistent with and to the extent consistent with section 6, create and prepare for release appropriate substitutions for that information in order to provide for the fullest disclosure feasible.

(g) DECISIONS TO POSTPONE.—Where the Board determines that a record is not assassination material, or

that a record, or particular information in the record, qualifies for postponement of disclosure pursuant to section 6, the Board shall transmit to the originating body written notice of such determination, together with a copy of the record at issue, and, if the originating body is an Executive agency, a copy of such notice and of the record shall be transmitted to the appropriate committee of the House of Representatives and the Select Committee on Intelligence of the Senate. Such notice shall contain a statement of the reason or reasons for the Board's decision. Any decision of the Board that a record is not assassination material, or that disclosure of a record or particular information in a record should be postponed pursuant to section 6, shall not be subject to judicial review.

(h) DECISIONS TO RELEASE.—

(1) NON-EXECUTIVE AGENCY MATERIAL.—In the case of records for which the originating body is the Warren Commission, the House Committee, or the Senate Committee, where the Review Board determines that a record is assassination material, and that a record, particular information in a record, a summary of a record, or a substitution for particular information in a record is appropriate for release pursuant to this Joint Resolution, the Review Board shall transmit the record, particular information.

summary, or substitution to the Archivist, and the Archivist shall make such record, particular information, summary, or substitution available for inspection and copying by the public. The Review Board's decision to release shall not be subject to review by the President or any other entity of the Government and shall not be subject to judicial review.

(2) EXECUTIVE AGENCY MATERIAL.—In the case of records for which the originating body is an Executive agency, excluding the Warren Commission, where the Review Board determines that a record, particular information in a record, a summary of a record, or a substitution for particular information in a record is appropriate for release pursuant to this Joint Resolution, the Review Board shall transmit to the originating body written notice of its determination. In such event, the Review Board shall transmit the record, particular information, summary, or substitute to the Archivist, and the Archivist shall make such material available for inspection and appropriate copying by the public, unless, within sixty calendar days of the date on which the Board has notified the originating body, the President has certified to the Review Board and the Archivist that the material qualifies for post-

ponement of disclosure pursuant to section 6, in which case release of the material shall be postponed, and this decision shall not be subject to judicial review. The President shall not delegate this authority to any other official or entity.

(i) PRESIDENTIAL NOTICE TO CONGRESSIONAL COMMITTEES.—Whenever the President makes a certification pursuant to subsection 8(h)(2), the President shall submit to the appropriate committee of the House of Representatives and the Select Committee on Intelligence of the Senate a written statement setting forth the reason or reasons for superseding the Board's determination and a complete copy of the material at issue.

(j) BOARD NOTICE TO PUBLIC.—Every sixty calendar days, beginning sixty calendar days after the date on which the Review Board first postpones release of any assassination material pursuant to section 8(g), the Board shall make available for public inspection and copying a notice of all such postponements determined over the sixty-day period, including a description of the size and nature of each assassination material concerned and the ground or grounds for postponement.

(k) PRESIDENTIAL NOTICE TO PUBLIC.—In any case in which a determination of the Board to release assassination material is superseded by the President pursuant

to this subsection, the President shall within ten calendar days publish in the Federal Register notice of such action, including a description of the size and nature of the assassination material concerned and the ground or grounds for postponement.

(l) IMMUNITY FROM SUIT.—No person shall have a cause of action against members, employees or detailees of the Review Board arising out of any action or failure to act with regard to assassination material under this Joint Resolution.

(m) RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE.—That portion of subsection 8(h)(1) that permits the Review Board to release materials for which the originating body is the House Committee or the Senate Committee without the concurrence or approval of any congressional body is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House)

at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 9. MARKING AND REVIEW OF MATERIALS THE DISCLOSURE OF WHICH IS POSTPONED.

(A) MARKING.—With respect to each assassination material or particular information in assassination material the disclosure of which is postponed pursuant to section 8, or for which only substitutions or summaries have been released to the public pursuant to subsection 8(h), the Review Board shall append to the material (1) all records of proceedings conducted pursuant to this Joint Resolution and relating to the material and (2) a statement of the Review Board designating, based on a review of the proceedings and in conformity with the decisions reflected therein, a specified time at which or a specified occurrence following which the material may appropriately be reconsidered for release pursuant to the standards established in this Joint Resolution. The Review Board shall then transfer the material and appendices to the Archivist for placement in the Archives under seal.

(b) REVIEW.—The sealed assassination materials transferred by the Review Board pursuant to this section shall remain subject to the standards for release established by this Joint Resolution. It shall be the continuing duty of the Archivist to review the sealed assassination

materials and the documents appended thereto pursuant to this section and to resubmit assassination materials to the Review Board, if it is still in existence, or to the originating body, if the Review Board has been abolished, whenever it appears to the Archivist that review may be appropriate.

SEC. 10. DISCLOSURE OF OTHER MATERIALS AND ADDITIONAL STUDY.

(a) MATERIALS UNDER SEAL OF COURT.—(1) The Review Board may request the Department of Justice to petition, or through its own counsel petition, any court in the United States or abroad to release any information relevant to the assassination of President John F. Kennedy that is held under seal of the court.

(2)(A) The Review Board may request the Attorney General to petition, or through its own counsel petition, any court in the United States to release any information relevant to the assassination of President John F. Kennedy that is held under the injunction of secrecy of a grand jury.

(B) A request for disclosure of assassination materials under this Joint Resolution shall be deemed to constitute a showing of particularized need under Rule 6 of the Federal Rules of Criminal Procedure.

(b) AUTOPSY MATERIALS.—The Review Board shall, pursuant to the terms of the applicable deed of gift, seek access to the autopsy photographs and x-rays donated to the National Achives by the Kennedy family under the deed of gift. The Review Board shall, as soon as practicable, submit to the appropriate committee of the House and the Select Committee on Intelligence of the Senate a report on the status of these materials and on access to these materials by individuals consistent with the deed of gift.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Attorney General should assist the Review Board in good faith to unseal any records that the Review Board determines to be relevant and held under seal by a court or under the injunction of secrecy of a grand jury;

(2) the Secretary of State should contact the Government of the Republic of Russia and seek the disclosure of all records of the government of the former Soviet Union, including the records of the Komitet Gosudarstvennoy Bezopasnosti (KGB) and the Glavnoye Razvedyvatelnoye Upravleniye (GRU), relevant to the assassination of President Kennedy, and contact any other foreign government that may

hold information relevant to the assassination of President Kennedy and seek disclosure of such information; and

(3) all Executive agencies should cooperate in full with the Review Board to seek the disclosure of all information relevant to the assassination of President John F. Kennedy consistent with the public interest.

SEC. 11. RULES OF CONSTRUCTION.

(a) PRECEDENCE OVER OTHER LAW.—(1) Where this Joint Resolution requires release of a record, it shall take precedence over any other law, judicial decision construing such law, or common law doctrine that would otherwise prohibit such release.

(b) FREEDOM OF INFORMATION ACT.—Nothing in this Joint Resolution shall be construed to eliminate or limit any right to file requests with any Executive agency other than the Review Board or seek judicial review of the decisions of such agencies pursuant to section 552 of title 5, United States Code.

(c) EXISTING AUTHORITY.—Nothing in this Joint Resolution revokes or limits the existing authority of the President, any Executive agency, the Senate, or the House of Representatives, or any other entity of the Government to release records in its possession.

SEC. 12. TERMINATION OF EFFECT OF JOINT RESOLUTION.

The provisions of this Joint Resolution which pertain to the appointment and operation of the Review Board shall cease to be effective when the Review Board and the terms of its members have terminated pursuant to subsection 5(l). The remaining provisions of this Joint Resolution shall continue in effect until such time as the Archivist certifies to the President and the Congress that all assassination materials have been made available to the public in accordance with this Joint Resolution.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Joint Resolution, to remain available until expended.

(b) INTERIM FUNDING.—Until such time as funds are appropriated pursuant to subsection (a), the President may use such sums as are available for discretionary use to carry out this Joint Resolution.

SEC. 14. SEVERABILITY.

If any provision of this Joint Resolution or the application thereof to any person or circumstance is held invalid, the remainder of this Joint Resolution and the application of that provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

O

MEMBERSHIP OF

HOUSE COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON ECONOMIC AND COMMERCIAL LAW

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TOM J. CAMPBELL (R,CA)

CARLOS J. MOORHEAD (R,CA)

9 Jack Brooks (D)

Of Beaumont — Elected 1952

Born: Dec. 18, 1922, Crowley, La.
Education: Attended Lamar Junior College, 1939-41; U. of Texas, B.J. 1943, J.D. 1949.
Military Service: Marine Corps, 1942-45; Marine Corps Reserve, 1945-72.
Occupation: Lawyer.
Family: Wife, Charlotte Collins; three children.
Religion: Methodist.
Political Career: Texas House, 1947-51.
Capitol Office: 2449 Rayburn Bldg. 20515; 225-6565.

In Washington: The numerous activist liberal Democrats on the Judiciary Committee — many of them from the East or West Coast — seem an unlikely posse for crusty Texan Brooks. He is attuned to business concerns, opposes gun control and is not personally cozy with civil rights and women's organizations.

But Judiciary had foundered in the last few years it was chaired by veteran Peter W. Rodino Jr. of New Jersey, who retired in 1989. With Brooks taking over at the top, Judiciary has perhaps the most partisan Democrat in the House as its leader — a man who considers the G in GOP an expletive. Brooks may not share the world view of some of the aggressive liberals under him, but like them, he relishes beating Republicans.

Brooks is an irascible junkyard dog of a legislator, considered by many the meanest, most foul-mouthed character they have ever encountered. His scrappiness during 14 years as chairman of the Government Operations Committee turned that backwater panel into an aggressive investigatory arm that touched a number of federal agencies.

But events conspired to get Brooks off to a slow start at the Judiciary helm in the 101st Congress. Not only was he learning to work with the committee's liberals, but also he was preoccupied in the early months of 1989 by the plight of his close friend and ally Jim Wright, who was in a losing battle to save his speakership.

Having arrived in the House in 1953 as a slightly awed 30-year-old protégé of the legendary Speaker Sam Rayburn of Texas, Brooks was one of Wright's most important allies. Although in 1976 he had backed Californian Phillip Burton over Wright in the majority leadership race that Wright won by a single vote, the two were like-minded, strong-willed Texans. Born four days apart, they had both suffered Depression-era hardship, served together in the state House and entered Congress two years apart. As Wright's career sank under the weight of ethics controversies, Brooks to the end was the most combative and outspoken among the Speaker's notably few public defenders.

Then, after Wright resigned and the House began settling down to business, Brooks in October 1989 was sidelined with acute pancreatitis. The next year Brooks had to worry about a significant re-election challenge. He put down the GOP hopeful, and by the beginning of 1991 seemed back in fighting form. He opened the 102nd Congress with rapid Judiciary passage of a vertical price fixing bill — a high priority of his — and a civil rights bill he sponsored that quickly drew a presidential veto threat.

Despite the distractions before him in the 101st Congress, Brooks did manage to win over Judiciary liberals who had been skeptical about how he would perform as chairman. A key test for them was his handling of a proposed constitutional amendment to ban flag desecration. Brooks was a lead sponsor of a 1989 statute to ban such behavior, and after the Supreme Court struck down the statute, he supported a constitutional amendment.

But Brooks helped liberals who opposed the amendment by quickly sending it to the House floor over protests from Republicans, who said they needed more time to persuade members to support it. The amendment was rejected. Brooks' defense to GOP complaints that he had pulled a rush job was, "If I delayed, [the Republicans] would be jumping all over me."

The GOP had accused Brooks of stalling a number of bills, including anticrime legislation, of which Brooks is no big fan. "We have got almost as many crime bills passed as they have crimes committed," he griped in 1990.

He eventually relented, however, and helped move through an election-year crime bill. While it included new death penalty language Brooks supported over liberals' objections, the bill also carried tough new habeas corpus standards for convicting capital case defendants and keeping them on death row — language that was staunchly opposed by conservatives.

When the bill got to conference, the Senate balked at the House habeas corpus language,

Texas 9

Southeast — Beaumont; Galveston

The 9th District's industrial climate is symbolized by its three largest cities: Beaumont and Port Arthur, near the Louisiana border in Jefferson County, and Galveston, farther south along the Gulf of Mexico in Galveston County.

The discovery of oil in the Spindletop Oil Field in January 1901 triggered Beaumont's modern industrial development. Within a month of the find, the town's population tripled; now every major petroleum company except Shell Oil Co. has a processing plant in the region.

Republicans enjoy support in Beaumont's western end, home of middle-management refinery employees and some of the district's oldest oil families.

Port Arthur serves as a shipping center for the district's oil and petrochemical products. The city of Galveston, located on Pelican Island, is also a major port of entry. Looking out to sea from Galveston Bay, the horizon is dotted with offshore oil rigs. Local merchants have made a business of servicing area offshore facilities, shipping out food and laundry to the laborers, who often work a 12-day-on, 12-day-off schedule. Texas City, in Galveston County, is a major petrochemical center.

There are other economic mainstays tied to the 9th's coastal setting. Commercial fishing operations harvest shrimp and a number of finfish. The beaches of Galveston County are a big tourist lure.

The district also hosts a community of people who earn their living in high technology. Reaching into southeastern Harris County, the 9th contains part of Clear Lake City, home to an enclave of Republican engineers who work at the Johnson Space Center.

The 9th is one of the most ethnically diverse regions in the state. Nearly 30 percent of its residents are either black or Hispanic, and a significant portion of the blue-collar work force is of German, Czech or Polish descent. Port Arthur hosts a Cajun community, and Kemah, a Galveston County town, has a growing population of Southeast Asians.

One of organized labor's few Texas strongholds, the 9th generally votes Democratic. Jimmy Carter won the district in 1976 and 1980, and after a brief fling with Ronald Reagan in 1984, voters went back to the Democratic side in 1988, giving the Michael S. Dukakis-Lloyd Bentsen ticket 54 percent of the vote.

Population: 526,443. White 390,211 (74%), Black 112,560 (21%), Other 8,694 (2%). Spanish origin 40,073 (8%). 18 and over 370,362 (70%), 65 and over 48,638 (9%). Median age: 29.

and Brooks would not sign off on the Senate's restrictions on the sale of automatic weapons (though he had not tried to block gun control bills in his committee). His recommendation to pass a bill stripped of these controversial provisions was adopted.

His image as an irascible, tough-talking Texan, a man of strong loyalties and fierce independence, is one Brooks has carefully nurtured; once when *The Washington Post* ran a photograph of Brooks with a snarling expression, he proudly showed it all around.

One of the House's most unrelenting inquisitors, Brooks got considerable national exposure during investigations of scandals involving two Republican presidents. He was an early critic of what he perceived as President Richard M. Nixon's abuses of office, and his subcommittee investigated federal spending on Nixon's private homes. When Watergate broke, Brooks was a ready prosecutor during Judiciary's impeachment proceedings. "He didn't even need to hear the evidence," an aide said later. "He was ready to impeach."

Thirteen years later, Wright named Brooks to the Iran-contra investigation committee and, to no one's surprise, the cigar-chomping Brooks was the most vocally partisan critic of the Reagan administration's failures. Talking to reporters, Brooks called both former national security adviser John M. Poindexter and former State Department official Elliott Abrams "a lying son of a bitch." Reflecting Government Operations' interests, Brooks charged that Poindexter broke the law protecting presidential records by shredding a key Reagan document.

Brooks was in the minority in opposing limited immunity for Lt. Col. Oliver L. North, calling it "a rotten precedent" since government officials should be accountable for their acts. He felt his stand was validated in 1990 when a court set aside North's conviction on the grounds that his congressional testimony under grant of immunity could have tainted his criminal trial.

Before the hearings, Brooks had called Poindexter before a Government Operations subcommittee to testify about an administration policy restricting release of sensitive information in its computers. But Poindexter refused to

answer questions about even that limited subject; his lawyer said Brooks' panel probably would stray into the Iran-contra affair, and that it was conducting "a public spectacle."

"I want you to understand that your testimony is not a matter of right. It is a matter of indulgence of the subcommittee, and you're kind of crowding it," Brooks told the lawyer. When he tried to respond, Brooks snapped, "I think I've heard enough from you."

That hearing illustrated Brooks' ability to inject Government Operations — traditionally limited to the minutiae of federal spending — at least to the edges of major national debates, and to bedevil GOP administrations.

Republicans are not the only ones who have to be on guard against Brooks; any rival is wise to be wary. In 1987, Brooks got the House's voice-vote approval for an amendment adding $2.8 million for the Texas Accelerator Center to an appropriations bill. The victory went largely unnoticed. Later that day, lawmakers from California and Illinois, states competing with Texas to be the site of the multibillion-dollar superconducting super collider project, figured Brooks might have won some advantage for his state. "Not knowing exactly what Jack has in mind, we worry," said one. After midnight, Brooks took the floor to claim his amendment merely paid for ongoing engineering work. His colleagues were not buying. They voted 97-288 to strip it.

Brooks was frustrated for years in his battle against revenue sharing, the popular program funneling funds to state and local governments. It was finally phased out in 1985 because of budget pressures, though in 1986 Brooks had to help squelch a strong push to revive it. Brooks also opposed the 1985 Gramm-Rudman-Hollings anti-deficit law. Both revenue sharing and Gramm-Rudman violated his basic belief in government accountability — revenue sharing because Brooks feels the government unit that raises money should spend it, and Gramm-Rudman because he believes Congress and the president should not cede their responsibilities to some automatic budget-cutting procedure.

When Brooks first arrived in Washington, the youngest Democrat in the class of 1952, he went straight to Speaker Rayburn. He had worked hard against the Democrats-for-Eisenhower movement that swept Texas in 1952, and his party loyalty impressed the equally partisan Speaker. More than three decades later, when some Texas Democrats suggested the state's GOP House members might join the traditional Wednesday delegation luncheons, Brooks — the delegation chairman — thundered against it. The two parties could meet any time, he said, But the lunches were sacred — Rayburn himself had banned Republicans.

In his early House years, Brooks voted like most other Texas congressmen — in favor of the oil industry and against many of the early civil rights bills. He did refuse to sign the segregationist "Southern Manifesto" in 1956. But when his friend and fellow Texan Lyndon B. Johnson became president, Brooks moved significantly to the left. In 1964, he was one of only 11 Southern Democrats to support that year's Civil Rights Act. He voted for every subsequent civil rights bill, and for all of LBJ's Great Society legislation.

At Home: "I'm just like old man Rayburn," Brooks likes to say. "Just a Democrat, no prefix or suffix." That simple label has kept Brooks in business for almost 40 years, although critics have always portrayed him as too liberal for his Gulf Coast district.

Brooks' illness in 1989 whetted GOP appetites for a retirement that might give them a shot at the 9th. But after Brooks recovered, he moved comfortably past a credible Republican challenger.

Brooks' strong support from the district's sizable union and minority populations has enabled him to withstand several conservative challenges.

The most discomfiting of these came from within Brooks' own party in the 1980 primary. Lightly regarded Wilbur L. "Bubba" Pate, a politically inexperienced bus terminal manager, challenged Brooks from the right and nearly forced him into a runoff.

In addition to faulting Brooks as philosophically out of step with the 9th, Pate said the incumbent had amassed a personal fortune while serving most of his adult life in Congress, and noted that Brooks had earned more than $50,000 in salary and director fees from Texas banks.

Brooks won just over 50 percent in the primary (to 43 percent for Pate), avoiding a runoff only because heavily unionized Galveston gave him a hefty majority. In November, Jimmy Carter nearly lost the 9th to Ronald Reagan, but Brooks was spared trouble because the GOP offered no House candidate.

Pate tried again in the 1982 Democratic primary, and was joined by three other right-of-Brooks Democrats who believed the incumbent's 1980 stumble portended a fall. But 1980 had stirred Brooks' fighting instincts. By assuming a higher profile in the district, Brooks countered sentiment that he had grown distant from local concerns. He reminded voters of the federal plums he had brought to the 9th during his long career, including money for improvement of local port facilities and for research at area universities.

Most important, the conservative mood that swept over Texas' blue-collar workers in 1980 had evaporated by 1982; Brooks was on the offensive, criticizing Reaganomics as dangerous to working-class citizens. Brooks won renomination with 53 percent against the divided conservative field.

Republicans were hopeful about their chances in 1984, predicting that President Ron-

ald Reagan's presence at the top of the ticket could encourage widespread defections to the GOP ticket by conservative Democrats. Reagan did carry the 9th with 52 percent of the vote, but Brooks, stressing his seniority and attacking Reaganomics as a cause of the high unemployment still plaguing parts of the district, turned back Galveston attorney Jim Mahan with 59 percent of the vote.

Brooks had no trouble in the next two elections, but his hospitalization in 1989 piqued GOP interest in the 9th. Republicans nominated Maury Meyers, a popular former four-term mayor of Beaumont. Trying to profit from voters' anti-incumbent mood in 1990, Meyers portrayed Brooks as an entrenched Washingtonian, and he advocated congressional term limits. But Brooks rebounded from his illness and reminded voters again that his seniority brought clout in Congress and federal money to the district. Brooks' traditional electoral allies held firm, and he won his 20th term with 58 percent of the vote.

A child of the Depression, Brooks was born across the state border in Crowley, La., but moved with his family to Beaumont at age 5. He worked his way through the University of Texas, served in the Marine Corps in World War II and won a seat in the state House in 1946. During his four years there, Brooks earned a law degree at the University of Texas.

Promoting himself as a lawyer and small farmer, Brooks ran for Congress in 1952, when Democratic Rep. Jesse M. Combs retired. He won, surviving a 12-way primary and a runoff.

At first, Brooks' district stretched north from his home base of Jefferson County into the rural woodland of eastern Texas. But in the mid-1960s the district was changed significantly. Though Jefferson County remained, the rest of Brooks' district was redrawn to stretch southwestward along the Gulf Coast to Galveston. Subsequent remappings have followed that configuration.

Committees

Judiciary (Chairman)
Economic & Commercial Law (chairman)

Select Narcotics Abuse & Control (2nd of 21 Democrats)

Elections

1990 General		
Jack Brooks (D)	79,786	(58%)
Maury Meyers (R)	58,399	(42%)
1990 Primary		
Jack Brooks (D)	44,781	(72%)
Jack Brookshire (D)	17,268	(28%)
1988 General		
Jack Brooks (D)	137,270	(100%)

Previous Winning Percentages:				**1986**	(62%)	**1984**	(59%)
1982	(68%)	**1980**	(100%)	**1978**	(63%)	**1976**	(100%)
1974	(62%)	**1972**	(66%)	**1970**	(65%)	**1968**	(61%)
1966	(100%)	**1964**	(63%)	**1962**	(69%)	**1960**	(70%)
1958	(100%)	**1956**	(100%)	**1954**	(100%)	**1952**	(79%)

District Vote For President

	1988	1984	1980	1976
D	104,909 (54%)	99,585 (48%)	84,259 (49%)	97,831 (58%)
R	90,891 (46%)	108,937 (52%)	81,669 (47%)	68,490 (41%)
I			4,494 (3%)	

Campaign Finance

	Receipts	Receipts from PACs		Expenditures
1990				
Brooks (D)	$775,167	$459,444	(59%)	$885,090
Meyers (R)	$462,656	$21,900	(5%)	$447,974
1988				
Brooks (D)	$424,773	$276,562	(65%)	$226,581

Key Votes

1991	
Authorize use of force against Iraq	Y
1990	
Support constitutional amendment on flag desecration	Y
Pass family and medical leave bill over Bush veto	Y
Reduce SDI funding	Y
Allow abortions in overseas military facilities	Y
Approve budget summit plan for spending and taxing	N
Approve civil rights bill	Y
1989	
Halt production of B-2 stealth bomber at 13 planes	Y
Oppose capital gains tax cut	N
Approve federal abortion funding in rape or incest cases	Y
Approve pay raise and revision of ethics rules	?
Pass Democratic minimum wage plan over Bush veto	Y

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	18	71	87	5	39	52
1989	16 †	49 †	69 †	3 †	25 †	52 †
1988	24	70	82	5	26	61
1987	20	75	87	5	40	60
1986	21	69	76	7	50	34
1985	24	74	87	5	35	56
1984	30	58	77	14	46	46
1983	32	63	81	14	47	51
1982	44	44	70	16	55	38
1981	42	33	55	23	57	35

† Not eligible for all recorded votes.

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	61	17	100	23
1989	65	17	73	40
1988	75	9	100	23
1987	88	0	94	13
1986	70	9	100	33
1985	70	11	94	28
1984	55	11	77	43
1983	75	17	76	32
1982	50	20	74	40
1981	45	21	64	33

10 Don Edwards (D)

Of San Jose — Elected 1962

Born: Jan. 6, 1915, San Jose, Calif.
Education: Stanford U., A.B. 1936; attended Stanford U. Law School, 1936-38.
Military Service: Navy, 1942-45.
Occupation: Title company executive; lawyer; FBI agent.
Family: Wife, Edith Wilkie; five children.
Religion: Unitarian.
Political Career: No previous office.
Capitol Office: 2307 Rayburn Bldg. 20515; 225-3072.

In Washington: The self-doubt that has afflicted many House liberals in recent years has not touched Edwards, who continues to push for social change with the same gentle passion he brought to the House nearly three decades ago. With him, there is no hesitation, no retrenchment. "We're absolutely right, you know," he has said.

For Edwards, liberalism means civil rights and civil liberties for everyone, including blacks, Mexican-Americans, women, children and dissenters of all kinds. He is a liberal first and a Democrat second; he has no qualms about opposing his party's leaders on what he considers a moral issue, such as Vietnam or the death penalty. Usually he has fought with restraint and bemused tolerance, although in recent years Edwards has taken to railing against Democratic colleagues' "gutlessness" in the face of conservative initiatives.

Edwards' ardent liberalism can leave him outside the inner circle of House Democrats, a crusader rather than an operator. But he is not uncompromising. In fact, Edwards likes to play the facilitator, as long as he can remain true to his fundamental principles. In 1988, he shepherded into law two of the most far-reaching civil rights bills since the 1960s. And while he had less luck guiding the 1990 civil rights bill to enactment, he was instrumental in defusing the furor for a constitutional amendment banning flag burning.

When the Judiciary Committee was reorganizing for the 102nd Congress, Edwards had a chance to take the chairmanship of a new subcommittee, but none were surprised when he stayed on at the helm of the Civil and Constitutional Rights Subcommittee, which perfectly suits his agenda. In the shuffle, however, Edwards picked up jurisdiction over death row inmate appeals. His vigorous defense of defendants' rights will complicate conservative bids to limit such appeals.

The final days of recent Congresses have found Edwards futilely battling election-season tides for punitive anti-drug bills, pleading that various law enforcement provisions are unconstitutional. "Drug legislation plus election-year posturing," he once told colleagues, "equals an assault on the Constitution."

While his frustration with the process remains, Edwards shifted tactics in 1990. Rather than cast lonely votes against crime bills, he worked to add language to further his cause: guaranteeing death row inmates competent legal counsel and restoring the chance to use new court rulings as the basis for appeal. Edwards acknowledged that it was "unique" for the Judiciary Committee to have attached the provisions to an anticrime bill that included sweeping capital punishment provisions. "Some of us have learned a lesson," he said. "The least we can do is make it fair."

The 101st Congress debate on whether to prohibit flag burning saw Edwards at his best. A staunch foe of a constitutional amendment, Edwards first worked to develop and enact a limited statute that gave cover to Democrats under pressure to halt flag burning. Then, as the new law was put to the test with a legal challenge, Edwards worked behind the scenes with liberal colleagues to develop a strategy to defeat an amendment if the courts struck down the statute.

The ad hoc task force used the Bill of Rights as both a legal argument and a symbol, writing letters to newspaper editors, meeting with grass-roots groups and appearing on television talk shows. By the time the Supreme Court declared the statute unconstitutional, the task force had laid down a foundation of skepticism about further action. Political interest in the matter waned, and the amendment died.

However, on civil rights, the issue most important to him, Edwards was not so successful. He entered the 101st Congress optimistic that President Bush would look more favorably upon such legislation than President Ronald Reagan had. A lead sponsor of the House bill designed to reverse recent Supreme Court decisions that made it more difficult to challenge discrimination in the workplace, he shepherded

California 10

Southeast Bay Area — Downtown San Jose; Fremont

Located at the southeastern end of the San Francisco Bay area, the 10th is split between Alameda and Santa Clara counties. It is the most industrial of the East Bay districts.

A large blue-collar Democratic base makes the 10th a safe haven for the pro-labor Edwards. But the district is not nearly as dependable for statewide Democrats. With the votes of conservative, mainly white industrial workers in Fremont, President Ronald Reagan narrowly carried the 10th in 1984. However, Michael S. Dukakis won many of those voters back for the Democrats in 1988, enabling him to carry the district by a comfortable margin.

The Alameda County part of the 10th accounts for just over a third of the district's population. It is centered on Fremont, an automaking city of more than 173,000 that was once known as the Detroit of the West Coast. Today, its manufacturing has an international bent. General Motors Corp. has a joint venture with Toyota in Fremont; the plant turns out GM GEOs and Toyota Corollas.

Reagan's district victory in 1984 was largely the result of his 58 percent showing in Fremont. But in 1988, George Bush bested Dukakis in the city by only 500 votes.

The Santa Clara part of the district revolves around San Jose, which has surpassed San Francisco for the title of California's third-largest city. But the third of San Jose that is in the 10th, including its downtown area, faced a period of decline in the 1970s even as the rest of the city joined in the region's high-tech growth.

There are signs of revival in downtown San Jose, though. Several banks have moved in, and state and federal office buildings have brought more workers, restaurants and shops into the city. The construction of a light-rail system linking downtown with the northern suburbs and high-tech communities on the western edge of the bay has also stimulated development.

The rest of San Jose in the district has a working-class and ethnic flavor. There is a sizable contingent of Hispanic-Americans, who make up more than a quarter of the 10th's population. Growing communities of Asian-Americans, many of whom have opened up restaurants, groceries and other retail ventures, are having an impact on the city as well.

Population: 525,882. White 355,926 (68%), Black 29,537 (6%), Asian and Pacific Islander 51,517 (10%), Other 4,855 (1%). Spanish origin 147,361 (28%). 18 and over 360,334 (69%), 65 and over 33,111 (6%). Median age: 27.

the bill through the House. He unsuccessfully fought efforts to cap damage awards, and though his efforts to keep the burden of proof on employers rather than employees succeeded in Congress, the matter prompted a veto.

As the 102nd Congress opened, Edwards rejoined the battle. Pointing at the administration's claim that the bill would result in quotas, he said, "We'll name that for what it is. Politics and racism. It's to get votes."

Edwards had more luck in the late 1980s getting around Reagan administration opposition to civil rights legislation. Then, his eye for compromise carried the day. The grudging acceptance of an abortion provision by civil rights activists cleared the way for enactment, over Reagan's veto, of a law that not only overturned the Supreme Court's 1984 *Grove City* decision limiting the scope of four landmark civil rights laws, but also expanded those statutes. The contested abortion language specified that the law did not require hospitals to perform abortions just because they receive federal funds.

Edwards turned next to an even longer-lived stalemate, a 20-year-old fight to put teeth in the 1968 fair housing law. To appease the housing industry at the time, that law had left federal authorities virtually powerless to be anything more than mediators in discrimination disputes. Edwards wanted new administrative-law judges at the Department of Housing and Urban Development, empowered to levy fines and issue injunctions; Realtors and their Republican allies insisted on the option of a full jury trial.

After intense negotiations, including conference calls between civil rights advocates in Edwards' Capitol office and the Realtors' Chicago headquarters, a compromise was reached incorporating the housing representatives' demand for a trial option. The agreement, which Reagan belatedly endorsed, passed both the House and Senate overwhelmingly.

Edwards, however, is not always on the same side as his Democratic colleagues. He split with liberal ally Barney Frank of Massachusetts in the 100th Congress over Frank's ethics bill to limit lobbying by former lawmakers and senior staff. One of the few to oppose its passage, Edwards argued, "Lobbying Congress and the executive branch is an activity protected by the First Amendment. Getting paid for it doesn't

make it any less protected."

When other Judiciary Democrats balked at pushing legislation to repeal insurance companies' antitrust exemption, complaining that too little time remained in the 100th Congress, Edwards lectured: "It shows how powerful a monopoly is in this country when it can intimidate Democrats into saying, 'Well, we have to be careful.' We've taken on a Goliath here, and this is what we get paid to do."

Edwards, however, is well placed to help House Democratic leaders bottle up conservatives' measures on volatile social issues. Only once, in 1979, did a House majority sign the necessary petition to wrest a measure from his subcommittee, a proposed anti-busing constitutional amendment. Edwards led the successful opposition on the floor. When criticized for being obstructive, he said, "Every member should use the rules any way he can."

Yet Republicans generally respect Edwards as fair and principled. Henry J. Hyde of Illinois, a frequent conservative foe, had complimentary words about Edwards even after the wars of the Reagan years: "He's a gentleman, he's honorable, he's extremely able. He's courteous, he's bright, he's a pleasure to work with. He's not arrogant or overbearing. He doesn't abuse the power he has."

In the past, Republicans have cooperated with Edwards to move bills they oppose out of his subcommittee, trusting his word that they will have an opportunity later to kill or amend the measures.

Edwards' role as the House's self-appointed guardian of constitutional rights overlaps with another — overseer of the FBI, his one-time employer. Infuriated that the FBI's Abscam sting may have amounted to entrapment of seven members of Congress, Edwards chaired a lengthy subcommittee investigation of the agency's undercover operations. Its 1984 report found "widespread deviation from avowed standards" resulting in "substantial harm to individuals and public institutions," and recommended advance judicial approval of undercover activities. Later, he used his subcommittee to probe both the FBI's two-year surveillance of citizens' groups opposed to U.S. military aid to Central America, and allegations of racism victimizing black and Hispanic agents.

Outside the civil rights arena, Edwards works on behalf of two industries important to California's economy: computers and movies. Also, he is dean of California's 27-member House Democratic delegation, coordinating strategy and information on issues of state interest.

In the 101st Congress, Edwards helped the entire California delegation come together in rare bipartisan form to win emergency aid after the Loma Prieta earthquake. And at the start of the 102nd, Edwards achieved a decade-long goal with the creation of the California Institute, a nonpartisan group to help the state make its case for federal largess. The need for such coordination crystallized in the late-1980s, when the state failed to make the list of finalists for the superconducting super collider. "One of the benefits of the institute will be to look ahead and tell us what might come up, so we will be far better prepared," he said.

At Home: Stories about Edwards inevitably emphasize his FBI background, citing it as rather unusual preparation for a career as a civil libertarian. Actually, Edwards was not only an FBI agent as a young man — he also was a Republican. He did not join the Democratic Party until he was 35, and on his way to a fortune as owner of the Valley Title Insurance Company in San Jose.

Wealth only seemed to make Edwards more liberal. He said he gave up on Republicans because they did not seem interested in the international agreements needed to preserve peace.

At the time, Edwards was beginning his long journey into activism. He joined the United World Federalists, the National Association for the Advancement of Colored People, the American Civil Liberties Union and the Americans for Democratic Action (ADA). He was national ADA chairman in 1965.

Most people in Edwards' district seem to care little about the causes that have preoccupied him all his life. What matters to them is that he is a friendly, open man whose staff takes care of their problems. With that combination, Edwards has been able to overcome a long string of challengers, candidates who have questioned his patriotism and warned voters he is too liberal for them.

Edwards had never sought any office before 1962, devoting most of his time to his business. But when a new district was drawn that year to include part of his home city of San Jose, Edwards decided to run.

His two major opponents for the Democratic nomination both had more political experience, but less personal charm. They fought bitterly with each other and Edwards won the Democratic primary by 726 votes, edging Fremont Mayor John Stevenson. It was an overwhelmingly Democratic district, and Edwards easily won in the fall.

Edwards' outspoken support for Eugene J. McCarthy's presidential campaign, and early reports of his possible retirement, gave him a difficult time in 1968. He faced two Santa Clara city councilmen, one in the Democratic primary and one in the general election. But Edwards still won both elections comfortably.

He has had no trouble since then. In 1982 and 1984, Republican candidate Bob Herriott, an airline pilot from his party's conservative wing, received a substantial amount of funding from GOP sources, but was unable to make a

dent in Edwards' standing.

Edwards won his 1986 contest with 71 percent of the vote. In 1988, the GOP did not lift a finger against Edwards; his only opponents were a Hispanic challenger in the primary and a Libertarian in the general election. While his 1990 re-election contest was not quite so effortless, Edwards defeated Republican Mark Patrosso with 63 percent, a figure that was consistent with his totals in the early 1980s.

Committees

Judiciary (2nd of 21 Democrats)
Civil & Constitutional Rights (chairman); Administrative Law & Governmental Relations; Economic & Commercial Law

Veterans' Affairs (2nd of 21 Democrats)
Oversight & Investigations

Elections

1990 General

Don Edwards (D)	81,875	(63%)
Mark Patrosso (R)	48,747	(37%)

1988 General

Don Edwards (D)	142,500	(86%)
Kennita Watson (LIBERT)	22,801	(14%)

Previous Winning Percentages:							
1986	(71%)	**1984**	(62%)	**1982**	(63%)	**1980**	(62%)
1978	(67%)	**1976**	(72%)	**1974**	(77%)	**1972**	(72%)
1970	(69%)	**1968**	(57%)	**1966**	(63%)	**1964**	(70%)
1962	(66%)						

District Vote For President

	1988	1984	1980	1976
D	101,702 (55%)	83,340 (48%)	57,017 (42%)	72,316 (59%)
R	80,515 (44%)	87,529 (51%)	61,367 (45%)	48,874 (40%)

Campaign Finance

	Receipts	Receipts from PACs		Expenditures
1990				
Edwards (D)	$224,999	$171,050	(76%)	$209,243
Patrosso (R)	$2,702	0		$2,581
1988				
Edwards (D)	$166,689	$117,256	(70%)	$173,537

Key Votes

1991

Authorize use of force against Iraq	N

1990

Support constitutional amendment on flag desecration	N
Pass family and medical leave bill over Bush veto	Y
Reduce SDI funding	Y
Allow abortions in overseas military facilities	Y
Approve budget summit plan for spending and taxing	N
Approve civil rights bill	Y

1989

Halt production of B-2 stealth bomber at 13 planes	Y
Oppose capital gains tax cut	Y
Approve federal abortion funding in rape or incest cases	Y
Approve pay raise and revision of ethics rules	Y
Pass Democratic minimum wage plan over Bush veto	Y

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	**S**	**O**	**S**	**O**	**S**	**O**
1990	17	82	92	3	7	89
1989	27	69	93	1	0	95
1988	18	80	94	3	5	87
1987	11	85	92	2	2	95
1986	16	84	95	3	4 †	94 †
1985	20	80	97	2	7	93
1984	24	75	94	5	2	98
1983	15	84	94	3	7	89
1982	27	68	93	4	7	93
1981	29	63	88	5	3	95

† Not eligible for all recorded votes.

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	100	4	100	21
1989	100	0	100	20
1988	100	0	100	23
1987	100	0	100	0
1986	100	0	93	12
1985	100	0	100	18
1984	100	0	85	31
1983	100	0	100	20
1982	100	0	95	9
1981	95	0	93	12

1 John Conyers Jr. (D)

Of Detroit — Elected 1964

Born: May 16, 1929, Detroit, Mich.
Education: Wayne State U., B.A. 1957, LL.B. 1958.
Military Service: National Guard, 1948-52; Army, 1952-53; Army Reserve, 1953-57.
Occupation: Lawyer.
Family: Wife, Monica Ann Esters; one child.
Religion: Baptist.
Political Career: Candidate for mayor of Detroit, 1989.
Capitol Office: 2426 Rayburn Bldg. 20515; 225-5126.

In Washington: The 101st Congress began auspiciously for Conyers. Seniority had yielded him a significant committee chairmanship even as his handling of a sensitive judicial impeachment trial raised his stock among colleagues.

The 101st did prove eventful for Conyers, but generally not in the sense he might have hoped. Some of the key initiatives he pushed as Government Operations chairman ended in frustration. His effort to get out of Congress by challenging Detroit Mayor Coleman A. Young ended dismally. Even the non-political fates were harsh; Conyers suffered a head injury when his driver collided with a Capitol Hill security barrier.

Despite these difficulties, however, Conyers did move some legislation and attract a number of headlines during the 101st. And his chairmanship still guarantees a bully pulpit from which to broadcast his well-established liberal views.

During most of his quarter-century in Congress, Conyers had seemed more interested in being a rebel than in becoming a power broker. Some colleagues found his style sarcastic and abrasive, making it difficult for him to coordinate alliances needed to pass legislation. Conyers managed to alter that image in the 100th Congress, thanks to his leadership on the impeachment trial of U.S. District Judge Alcee L. Hastings.

As chairman of the Judiciary Subcommittee on Criminal Justice, Conyers was charged with investigating Hastings, who had been accused of conspiring to solicit a bribe and leaking wiretap information. The politics were particularly sticky for Conyers, a black veteran of the civil rights movement investigating a black judge who claimed the charges against him were racially motivated. Further, Hastings had been acquitted by a jury.

When Conyers began the proceedings in 1987, he indicated that he, too, saw the possibility of racial bias in the charges. But as the investigation progressed, Conyers reached what he later called the most difficult decision of his House career: that Hastings was guilty and had fabricated his court defense.

"We did not fight the civil rights struggle to replace one sort of judicial corruption with another," Conyers said, recalling the difficulties blacks had had with white judges.

The impeachment resolution easily cleared the subcommittee and full committee, and Conyers gave a floor speech on the case that brought him a standing ovation and helped to deliver a vote of 413-3.

That performance raised expectations for his tenure heading Government Operations. And in his first session as chairman, Conyers did get favorable national media coverage of several issues he pressed in committee. Among them were improprieties by defense contractor Northrop Corp. and alleged malfeasance within the Internal Revenue Service (Conyers complained of "crooks auditing crooks").

But Conyers was scuffed up on two high-profile issues that came through his committee.

The first was a set of proposals for revising the Paperwork Reduction Act. Conyers believed the Office of Management and Budget was using the paperwork law as a pretext for challenging regulations it disliked.

Working with ranking committee Republican Frank Horton of New York, Conyers threatened to restrict the administration's control of the regulatory review process. Each time they issued an ultimatum, however, they backed off when they thought they had reached an accord with the White House on the issue. Each of those deals fell through, however, as did an 11th-hour accord brokered by members of the Senate committee working on the issue.

The administration also abandoned Conyers on his bill to elevate the Environmental Protection Agency to Cabinet status. President Bush had signaled his support for the change, and Conyers gleefully predicted his bill would sail through the 101st. But the House-passed bill stalled in the Senate when the administration raised objections.

The Government Operations chairmanship has taken time away from Conyers' duties on

Michigan 1

Detroit — North Central; Highland Park

Detroit was not all that special at the turn of the century. It brewed beer and turned out carriages and stoves, and its complacent citizens took to calling it "the most beautiful city in America." But Henry Ford's first large factory in Highland Park, built in 1909, was followed by others, plants put up by Buick, R. E. Olds and the Fisher brothers. The north side of Detroit became a sea of single- and two-family houses for the workers who flocked to the assembly lines from rural Michigan, Appalachia and Eastern Europe.

The 1st, now overwhelmingly black (71 percent) and Democratic, is generally better off than its inner-city neighbor, the 13th. More of its homes are owner-occupied, and its residents are better educated. The racially mixed communities north of Seven Mile Road have a high percentage of professionals and white-collar city employees living in well-preserved prewar houses.

East of Southfield Road, the neighborhoods are poorer and more exclusively black. Both skilled and unskilled workers live in Highland Park and in the area north of the University of Detroit.

Highland Park, a city entirely surrounded by Detroit, is the home of the Chrysler Corp. Once a white-ethnic bastion, Highland Park is now over 80 percent black. Although the city retained its middle-class character through most of the 1960s and early '70s, hard times and rising unemployment have hurt its increasingly marginal neighborhoods.

The several white enclaves in the district include Poles living in the northeast corner, north of Hamtramck, and middle-class ethnics around the Southfield Freeway in the southwest. These voters tend to be older and more conservative.

Population: 514,560. White 137,827 (27%), Black 364,021 (71%), Other 3,202 (1%). Spanish origin 10,587 (2%). 18 and over 349,182 (68%), 65 and over 47,777 (9%). Median age: 28.

the Judiciary Committee. On that panel, he is probably best known for legislation he opposes: attempts to revise the federal anti-racketeering law.

The law, known as the Racketeer Influenced and Corrupt Organizations Act (RICO), was designed to combat organized crime, but had been used increasingly for civil suits against corporations with no criminal record.

Business and labor groups felt the law was being overused, but Conyers in 1986 embarked on a full-scale campaign in defense of its use. He argued that any restrictions would hinder efforts to fight white-collar crime.

Conyers first kept the RICO overhaul bill bottled up in his subcommittee and later employed other blocking tactics. Subsequent revision attempts also failed, due in part to Conyers' opposition.

Conyers is outspoken on issues pertaining to civil rights and minority concerns. During the 101st, he sponsored a crime bill amendment that would allow prisoners on death row to challenge their sentence if they could show a pattern of racial bias in death penalty sentencing.

He also made an about-face on the nomination of William Lucas, a black attorney, to head the Justice Department's civil rights division. Conyers introduced Lucas to the Senate Judiciary Committee saying Lucas was destined for "greatness." But the next day, after hearing Lucas tell the Senate he did not consider recent Supreme Court rulings a significant threat to established civil rights guarantees, Conyers withdrew that support.

Conyers has always seen a role for himself that goes beyond day-to-day legislative politics. He has spent considerable time outside Washington and his district campaigning for other black politicians. In 1988 he claimed to have spent more days campaigning for Jesse Jackson than any other black member of the House.

During hostilities in the Persian Gulf, he was one of the most outspoken in opposition to military intervention. He repeatedly deplored the disproportionate number of minorities serving in the military.

Conyers' interest in civil rights also blends in with a strong interest in jazz (he keeps a stand-up bass in his office amidst posters of various jazz artists). "Whites who have had all kinds of trouble with me have never had any trouble embracing Belafonte," he has said, referring to popular singer Harry Belafonte. He has successfully sponsored a House resolution declaring jazz "a rare and valuable national American treasure," and legislation designating May 25 — the birthday of memorable black tap artist Bill Robinson — National Tap Dance Day.

Conyers' personal life was also in the news during the 101st. In June 1990, the 61-year-old Conyers married a 25-year-old former aide who gave birth to a son one month later.

At Home: The son of an autoworker, Conyers became interested in politics while in law

school and worked loyally in the party apparatus. The creation in 1964 of a second black-majority district in Detroit gave him his first opportunity. He ran for Congress on a platform of "Equality, Jobs and Peace," pledging to strengthen the United Nations and to exempt low-income families from paying federal income tax.

Among the qualifications Conyers cited for holding office were three years as a district aide to Rep. John D. Dingell and service on a panel of lawyers picked by President John F. Kennedy to look for ways of easing racial tensions in the South. Conyers won the primary by just 108 votes over Richard H. Austin, a Detroit accountant who has remained a political rival ever since.

Racial troubles in Conyers' district exploded in 1967, when rioting destroyed many blocks in the heart of the district. Conyers was booed when he stood atop a car telling rioters to return to their homes. Later his office was gutted by fire. But those episodes had no lasting political impact, nor did his initial reluctance to support Hubert H. Humphrey for the presidency in 1968.

Conyers' primary challenges have been infrequent and minor, though he has not always been on the best of terms with Mayor Young and the United Auto Workers, the major political powers in the city. In 1989, Conyers challenged Young's re-election and finished third in the September primary, ceding a runoff berth against Young to accountant Thomas Barrow. The next year, however, Conyers was unchallenged for the Democratic nomination for his House seat, and breezed to a November win.

Some Conyers partisans were worried about the 1982 redistricting process; his district had lost population, and the state had to give up one seat in the House. But Conyers' territory remained basically intact. He is unlikely to suffer from the 1991 remapping, either, as Michigan legislators will be obliged by federal court rulings to preserve the state's majority-black districts.

Committees

Government Operations (Chairman)
Legislation & National Security (chairman)

Judiciary (3rd of 21 Democrats)
Civil & Constitutional Rights; Intellectual Property & Judicial Administration; Economic & Commercial Law

Small Business (14th of 27 Democrats)
SBA, the General Economy & Minority Enterprise Development

Elections

1990 General

John Conyers Jr. (D)	76,556	(89%)
Ray Shoulders (R)	7,298	(9%)
Robert Mays (I)	1,134	(1%)
Jonathan Paul Flint (LIBERT)	764	(1%)

1988 General

John Conyers Jr. (D)	127,800	(91%)
Bill Ashe (R)	10,979	(8%)

Previous Winning Percentages:							
1986	(89%)	1984	(89%)	1982	(97%)	1980	(95%)
1978	(93%)	1976	(92%)	1974	(91%)	1972	(88%)
1970	(88%)	1968	(100%)	1966	(84%)	1964	(84%)

District Vote For President

	1988	1984	1980	1976
D	108,814 (90%)	144,684 (86%)	143,653 (86%)	148,065 (84%)
R	11,376 (9%)	23,737 (14%)	19,341 (12%)	27,136 (15%)
I			3,471 (2%)	

Campaign Finance

	Receipts	Receipts from PACs	Expenditures
1990			
Conyers (D)	$300,877	$178,360 (59%)	$288,906
Shoulders (R)	$545	0	$545
1988			
Conyers (D)	$151,676	$82,614 (54%)	$124,823

Key Votes

1991

Authorize use of force against Iraq	N

1990

Support constitutional amendment on flag desecration	N
Pass family and medical leave bill over Bush veto	Y
Reduce SDI funding	Y
Allow abortions in overseas military facilities	Y
Approve budget summit plan for spending and taxing	Y
Approve civil rights bill	Y

1989

Halt production of B-2 stealth bomber at 13 planes	?
Oppose capital gains tax cut	Y
Approve federal abortion funding in rape or incest cases	Y
Approve pay raise and revision of ethics rules	N
Pass Democratic minimum wage plan over Bush veto	Y

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	16	81	86	3	7	85
1989	14	57	72	2	2	85
1988	13	74	83	1	3	89
1987	8	81	82	2	5	81
1986	11	73	71	4	4	78
1985	13	68	69	6	7	67
1984	21	73	88	6	5	92
1983	6	73	73	6	4	73
1982	22	60	68	8	8	75
1981	32	59	78	9	9	85

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	78	0	100	15
1989	90	5	88	30
1988	90	0	100	21
1987	92	0	100	0
1986	85	0	92	9
1985	75	12	92	28
1984	95	4	85	21
1983	100	0	100	11
1982	80	6	88	6
1981	90	9	93	0

3 Romano L. Mazzoli (D)

Of Louisville — Elected 1970

Born: Nov. 2, 1932, Louisville, Ky.
Education: U. of Notre Dame, B.S. 1954; U. of Louisville, J.D. 1960.
Military Service: Army, 1954-56.
Occupation: Lawyer; law professor.
Family: Wife, Helen Dillon; two children.
Religion: Roman Catholic.
Political Career: Ky. Senate, 1968-70; sought Democratic nomination for mayor of Louisville, 1969.
Capitol Office: 2246 Rayburn Bldg. 20515; 225-5401.

In Washington: Unfortunately for Mazzoli the roller coaster ride to passage of his landmark immigration bill did not end at the exhilarating top, when the historic Simpson-Mazzoli bill became law in 1986. But after disappointments in the late 1980s, the 102nd Congress brought a measure of rehabilitation for the veteran Louisville Democrat.

In 1991 — two years after Democrats on the Judiciary Committee ousted Mazzoli from the chairmanship of the Immigration Subcommittee — they returned him to the chair, which had been vacated by a member who unsuccessfully sought statewide office.

The seeds of Mazzoli's 1989 rejection were sown during the long, stormy legislative battle over the immigration bill, when he was alternately contentious and withdrawn. He became even more isolated and stolid in the two years after final passage. But at bottom, Mazzoli lost his chairmanship for being a Republican sympathizer on a committee dominated by activist liberal Democrats.

Days before Judiciary Democrats met to ratify their leaders at the outset of the 101st Congress, Mazzoli got word of the impending coup and tried to head it off. But it was too late; the committee voted 16-5 to strip him of the job he had held for eight years. Mazzoli conceded in an interview afterward, "The subcommittee did kind of get a little bit sloppy, a little directionless." Because of his preoccupation with a tough 1988 primary race, Mazzoli said, "I was a bit of an absentee landlord." But he was bitter nonetheless, so much so that there was some speculation he would defect to the GOP.

Mazzoli's views and votes span the political spectrum, which is perhaps not surprising for a member from an urban district in the border South. He first won election in 1970 as an antiwar candidate, he is a strong opponent of abortion, he supports handgun controls, and he often votes with conservatives on budget issues. In the eyes of many Democrats, his most offensive departure from the party script came on the party-line 1985 vote to seat Democratic incumbent Frank McCloskey rather than his GOP rival in a disputed Indiana election. Mazzoli sided with the GOP.

But instead of switching parties after losing his Judiciary chairmanship in 1989, Mazzoli set out to emphasize those aspects of his record that are consistent with Democratic orthodoxy. In the 101st Congress, he sharply criticized President Bush for his reluctance to ban assault rifles, he joined the Democratic chorus for a surtax on millionaires, and he championed campaign finance reform, renouncing political action committee (PAC) money. He kept a low profile as the Immigration Subcommittee steered a legal immigration bill through the 101st Congress, and he shied away from close, public association with Republicans, especially on the controversial issue of abortion policy.

All these efforts help explain why Judiciary's liberal bloc was willing to let Mazzoli retake the subcommittee chair in 1991; he got his gavel back on an 18-3 vote. Also contributing to the liberals' generosity was the fact that little action was slated for the Immigration panel in the 102nd Congress. Mazzoli also has picked up a seat on the panel that makes Democratic committee assignments, which should help him further his fence-mending efforts.

Mazzoli now has a chance to settle back into the style of his early House years, when he was known as hard-working and lawyerlike, a man who quietly tended to details many found too technical to bother with. "We have a lot of wonderful orators here," he once said. "A lot of bright, overwhelmingly intelligent people. But sometimes the modern Demosthenes doesn't carry the day . . . Sometimes those gray drudges can carry the day."

Mazzoli's day was Oct. 17, 1986, when Congress cleared the Simpson-Mazzoli immigration bill. The law penalizes employers who knowingly hire illegal aliens, and offered amnesty to illegal aliens who could prove that they had been in the United States before 1982.

By the time of final passage, however,

Kentucky 3

Louisville and Suburbs

To many rural and small-town Kentuckians, Louisville (population 269,000) is something strange, an influence to be guarded against. In a state where blacks make up just 7 percent of the population, Louisville is almost 30 percent black. It also has an exceptionally large Catholic population, a legacy of massive German immigration in the mid-19th century. And Louisville's *Courier-Journal* newspaper is a leading liberal voice in a state that generally prefers moderate-to-conservative politicians.

Louisville's reputation in the hinterlands seems a bit undeserved, since, in its social history, the city has faced South. Its public places were not fully desegregated until well after World War II. In recent years court-ordered busing has been a major problem, particularly in blue-collar neighborhoods in the South End and in neighboring Shively. The anti-abortion movement is strong within the conservative Catholic constituency.

Louisville's South End is predominantly white, blue-collar and Democratic. Most blacks live near downtown in the West End, an area that regularly turns in heavy Democratic majorities. The affluent, Republican East End includes mansions on the bluffs overlooking the Ohio River.

Louisville Republicans elected two mayors in a row in the 1960s, partly by appealing to black voters against a decayed Democratic organization. But Democrats swept back into City Hall in 1969 and have held it since then. One recent mayor, Harvey I. Sloane, felt the sting of the state's anti-Louisville sentiment three times; he was runner-up in both the 1979 and 1983 Democratic gubernatorial primaries, and lost in the 1990 Senate general election.

The Louisvillian most recently elected to statewide office was not a liberal Democrat, but a conservative Republican — Mitch McConnell, who moved from his job as Jefferson County executive to the U.S. Senate in 1984.

McConnell won a second Senate term in 1990, defeating Sloane.

Prior to 1982 redistricting, the 3rd took in Louisville and only a few of the city's inner suburbs, a combination that made the district reliably Democratic. As redrawn to compensate for Louisville's population loss in the 1970s, the 3rd is less Democratic, though Louisville still casts a majority of the district vote.

Most of the voters added in the remap live south and southeast of the city in such blue-collar communities as Buechel, Fern Creek and Jeffersontown. Many work in suburban Louisville's General Electric and Ford plants. While a large share are registered Democrats, they are swing voters. Their support for Republican candidates frequently puts metropolitan Jefferson County in the GOP column.

Population: 522,252. White 413,605 (79%), Black 104,573 (20%), Other 2,493 (1%). Spanish origin 3,265 (1%). 18 and over 381,792 (73%), 65 and over 63,347 (12%). Median age: 30.

Mazzoli had relinquished the leadership role he had played for most of the process. Emotionally spent from polarizing fights in the two past Congresses, he contented himself with working behind the scenes, lending technical expertise to the debate while others stepped into the spotlight. "The fight's gone out of the dog," one House Democrat said of Mazzoli.

Picking up the mantle of leadership that Mazzoli had let fall were three younger House Democrats: Judiciary's Charles E. Schumer of New York and Howard L. Berman of California, and Californian Leon E. Panetta of the Agriculture Committee. In 1989, Schumer and Berman would be among the leaders of the successful move to unseat Mazzoli, and to install in the Immigration chair a liberal colleague, Bruce A. Morrison of Connecticut.

If Mazzoli sometimes seemed like the forgotten man in the final stages of the immigration bill, GOP Sen. Alan K. Simpson of Wyoming and others who conducted the concluding negotiations left no doubt that Mazzoli had helped make it all possible. Moreover, the Kentucky Democrat had emerged in the end to deal with one of the bill's most controversial aspects — the proposal to establish a permanent "guest worker" program for growers who rely on foreign labor. He helped draft a compromise between growers, who said they needed the help, and organized labor, which insisted the program was exploitative, just when the dispute threatened to sink the entire bill for the third consecutive time.

The first time, during the 97th Congress, the immigration bill had passed the Senate, but did not reach the House floor until the closing days in 1982. At that point, Hispanic Caucus Chairman Edward R. Roybal of California killed it by threatening to demand roll-call

votes on more than 100 amendments. When Mazzoli reluctantly pulled the bill, his colleagues gave him a standing ovation for his efforts.

Early in the 98th Congress, the Senate again passed an immigration bill, but Speaker O'Neill refused to bring the issue to the House floor in 1983. The next year, stung by criticism that he was stifling a needed reform for political purposes, O'Neill relented. Mazzoli orchestrated a week of debate on dozens of amendments; he went out of his way to lavish praise on virtually everyone who addressed the subject, even opponents, for making a constructive contribution.

The House narrowly passed the bill, 216-211, after the balance had seesawed until the last seconds. "I begged those guys," Mazzoli said later. "I said, 'For God's sake, don't let us come up empty-handed.' " But as he suspected even then, it was to prove impossible to reach agreement with the Senate. Also, immigration had become an issue in the Democratic Party's presidential campaign, with nominee Walter F. Mondale and the national party leadership joining Hispanics in opposing the bill. Victory would have to wait for the 99th Congress.

Once the bill was law in the 100th Congress, immigration experts monitored implementation. By its first anniversary in late 1987, Mazzoli would proudly say, "Even the most implacable foes of the bill have had to eat some crow."

Meanwhile, his Judiciary colleagues were restless to do more than savor past successes. In 1987, Mazzoli was the only Democrat on his subcommittee and the full committee to join Republicans in opposing a bill to allow extended stays in the United States for refugees of El Salvador and Nicaragua until conditions at home improved. Then Mazzoli proposed an alternative safe-haven bill for refugees of armed conflict or environmental disaster, but it died in the Senate.

His subcommittee Democrats also wanted to extend the 1986 immigration law's amnesty period for another year, to ensure that all eligible aliens took advantage of the opening. And having successfully tackled illegal immigration, they wanted to begin work on revising the legal-immigration system, with its country-by-country quotas and eligibility standards that are widely considered outdated. Mazzoli wanted to undertake neither effort.

Pressed by a majority of his panel, however, Mazzoli finally agreed to a vote on the proposed amnesty extension just weeks before the law's May 1988 deadline. He proposed a six-month extension as a compromise; the full committee, acting within an hour of the subcommittee, settled on seven months. The measure narrowly was passed by the House, but died in a Senate filibuster. The amnesty deadline passed, leaving committee Democrats resentful that Mazzoli had waited until it was too late for action.

At Home: Whether in Washington or Louisville, Mazzoli sometimes seems to encounter as much opposition from fellow Democrats as he does Republicans. Republicans tried to make a run at Mazzoli in 1990, but it has been years since the GOP has seriously tested him at the polls. But on four occasions since 1976 he has drawn significant primary opposition.

A furor over school busing provided the ammunition for the 1976 challenge. Mazzoli at first accepted busing as a means of desegregating the Louisville schools, then switched to an antibusing position after the city's turmoil began. But the shift in positions came too late and was too mild for vocal busing foes. He was held to 56 percent of the primary vote.

The second primary challenge came in 1982, fueled by lingering resentment over the busing crisis and an unfavorable 1982 remap that extended his district deep into the Republican suburbs of Louisville. His opponent, state Rep. Mark O'Brien, sought to tie the busing issue to a controversial school-tax referendum, saying that if there were no busing, the proposed county surtax on the state income tax would be unnecessary. But because O'Brien's campaign was underfinanced and starting late, it turned out to be more smoke than fire; Mazzoli comfortably surpassed the 60 percent mark.

The third primary challenge came in 1988, from Jeffrey Hutter, administrative director of the Humana Heart Institute and a former Louisville TV reporter. He was not especially well financed either, but made up for it with brashness. He accused Mazzoli of ignoring Louisville and voting against its interests. The incumbent "isn't dopey," Hutter said, "but he has been voting like Sleepy."

Hutter had support from the 80,000-member Greater Louisville Central Labor Council, which was upset with Mazzoli for his support of a smoking ban on domestic airplane flights of two hours or less (a vote labor saw as a threat to jobs in the state's lucrative tobacco industry) and his opposition to the Gephardt "fair trade" amendment.

Yet while Hutter carried blue-collar precincts, he could not crack the base that Mazzoli had constructed over nine terms among the district's many Catholic and elderly voters. Mazzoli got 61 percent of the vote.

Hutter tried again in 1990, this time with the backing of several district and city officials. But Mazzoli, who swore off contributions from PACs, had a surprisingly easy time in turning back both Hutter and city alderman Paul Bather in the primary.

In the general election, Mazzoli faced Al Brown, a black labor-relations consultant and a member of the Kentucky Lottery Commission. Brown early on gained the attention and blessing of the national GOP, always eager to pro-

mote its black candidates. But Brown had stumbled unexpectedly in the primary, barely defeating a little-known white businessman who had been outspent 10-to-1 and who tapped the political and racial frustrations of blue-collar residents in the south and west ends of Louisville.

Brown, like Hutter, argued that Mazzoli was ineffective in bringing federal projects to the district. Although he described himself as moderate-to-conservative, Brown supported abortion rights, contrasting himself to Mazzoli and his staunch anti-abortion position. Yet Brown, plagued by a lack of funds, could manage only 39 percent of the vote.

Mazzoli's base has shifted a bit since he first ran for the House in 1970. Then, he was an opponent of the Vietnam War, with a strong base among blacks, young liberals and blue-collar Catholics. But the decisive factor in his House victory that year was the bitter intraparty feud between GOP incumbent William O. Cowger and Republican Gov. Louie B. Nunn over local patronage.

Cowger had challenged the governor to run a candidate for Congress against him in the primary. Nunn responded by saying Cowger was in need of a "psychiatric examination." The breach never healed and Mazzoli took advantage of it to win a 211-vote victory.

Since then, Republicans have held Mazzoli below 60 percent only once, in 1976 when Louisville was at the height of the busing furor. The GOP was optimistic about unseating him after the state's 1982 remap expanded the 3rd further into Jefferson County.

However, the GOP challenge was short-circuited by Mazzoli's aggressive efforts to court his new constituents. By a margin of 2-to-1, he overwhelmed GOP nominee Carl Brown, a Jefferson County commissioner, who had trouble raising money and building an organization.

Committees

Judiciary (4th of 21 Democrats)
International Law, Immigration & Refugees (chairman); Administrative Law & Governmental Relations; Economic & Commercial Law

Select Narcotics Abuse & Control (17th of 21 Democrats)

Small Business (4th of 27 Democrats)
Antitrust, Impact of Deregulation & Ecology; SBA, the General Economy & Minority Enterprise Development

Elections

1990 General		
Romano L. Mazzoli (D)	84,750	(61%)
Al Brown (R)	55,188	(39%)
1990 Primary		
Romano L. Mazzoli (D)	28,103	(45%)
Jeffrey Hutter (D)	20,152	(32%)
Paul Bather (D)	13,768	(22%)
1988 General		
Romano L. Mazzoli (D)	131,981	(70%)
Philip Dunnagan (R)	57,387	(30%)

Previous Winning Percentages: **1986** (73%) **1984** (68%) **1982** (65%) **1980** (64%) **1978** (66%) **1976** (57%) **1974** (70%) **1972** (62%) **1970** (49%)

District Vote For President

	1988	1984	1980	1976
D	102,383 (53%)	99,200 (48%)	101,315 (52%)	106,071 (54%)
R	90,291 (47%)	109,042 (52%)	83,848 (43%)	83,972 (43%)
I			6,699 (4%)	

Campaign Finance

	Receipts	Receipts from PACs	Expenditures
1990			
Mazzoli (D)	$301,713	0	$333,885
Brown (R)	$329,060	$33,675 (10%)	$327,390
1988			
Mazzoli (D)	$378,438	$196,650 (52%)	$371,431
Dunnagan (R)	$6,916	0	$4,931

Key Votes

1991	
Authorize use of force against Iraq	N
1990	
Support constitutional amendment on flag desecration	Y
Pass family and medical leave bill over Bush veto	Y
Reduce SDI funding	Y
Allow abortions in overseas military facilities	N
Approve budget summit plan for spending and taxing	N
Approve civil rights bill	Y
1989	
Halt production of B-2 stealth bomber at 13 planes	N
Oppose capital gains tax cut	N
Approve federal abortion funding in rape or incest cases	N
Approve pay raise and revision of ethics rules	Y
Pass Democratic minimum wage plan over Bush veto	N

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	31	68	87	12	44	52
1989	50	50	80	19	59	41
1988	33	62	84	14	42	50
1987	42	57	84	15	74	26
1986	40	58	78	20	62	38
1985	48	52	74	25	62	36
1984	40	57	79	20	47	53
1983	40	59	78	20	51	48
1982	44	53	75	22	49	49
1981	47	43	62	29	49	36

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	78	13	83	29
1989	40	32	25	80
1988	75	21	77	54
1987	52	30	56	33
1986	50	32	64	24
1985	55	33	47	50
1984	65	38	38	38
1983	65	35	53	55
1982	70	27	90	41
1981	60	36	64	44

2 Mike Synar (D)

Of Muskogee — Elected 1978

Born: Oct. 17, 1950, Vinita, Okla.
Education: U. of Oklahoma, B.B.A. 1972, LL.B. 1977; Northwestern U., M.S. 1973; attended U. of Edinburgh, Scotland, 1974.
Occupation: Rancher; real estate broker; lawyer.
Family: Single.
Religion: Episcopalian.
Political Career: No previous office.
Capitol Office: 2441 Rayburn Bldg. 20515; 225-2701.

In Washington: Still boyish and appealing in his seventh term, Synar has for several years stood just outside the inner circle of House leaders. He seems suspended there, anxiously waiting like a younger brother at the edge of the big kids' game.

Just before the 101st Congress, Synar made a bid for the chairmanship of the Democratic Caucus, but won just 33 votes. That put him a poor third to Mary Rose Oakar (80 votes) and the winner, William H. Gray III (146).

Synar, who took the unusual step of making a speech on his own behalf before the caucus vote, presented himself as the activist with the most legislative experience. But he had gotten into the race much later than his opponents and had less experience in conducting an institutionwide campaign. Synar's showy nature was also not what some members wanted in a caucus chairman.

He seemed to get the message. When the June 1989 resignations of Speaker Jim Wright and Majority Whip Tony Coelho opened up a succession of leadership jobs, Synar let the opportunity pass.

His occasional brashness, coupled with the sheer wattage of his personality, probably would alienate more of his colleagues if it were not for one thing: He seems genuinely concerned about making what he sees as good public policy, and he has a knack for doing it. There is a macho quality to his style and an affection for winning attention, but at the core, he is a serious pursuer of issues. And he pursues a far broader range of issues than most.

In the summer of 1989, for example, he cosponsored an amendment with Armed Services Chairman Les Aspin restricting procurement funds for the B-2 stealth bomber. Later in the same Congress, he joined with Wisconsin Democrat David R. Obey to propose severe restrictions on political action committees and greater reliance on public financing of campaigns. Their efforts were unsuccessful, but Synar was back on the issue early in 1991, this time working with Kansas Democrat Dan Glickman on a bill restricting both PAC money and individual contributions. Their bill would allow public financing for those who agreed to spending limits.

Synar undertook the campaign-finance crusade in the belief the public's opinion of Congress had reached a dangerously low ebb. He opposed the pay raise passed during the 101st Congress and has warned members to take seriously the term limits on legislators passed in states such as Oklahoma. "The term limit was a wake up call for improving democracy," he said in 1990.

While it is sometimes difficult to find a member's fingerprints on legislation, Synar, with an enthusiasm for jumping into major issues, leaves the trail of a child who has dipped his hands in an inkwell. He is among the most active members on the Energy and Commerce Committee, and also contributes to Judiciary and Government Operations, where he chairs the Environment, Energy and Natural Resources Subcommittee.

Synar has used this matrix of committee posts to project himself into an array of disputes from pesticides and grazing rights to oil drilling in wildlife preserves and regulating the Food and Drug Administration. He freely involves himself in politically difficult issues, and freely reminds others that he does so. "If you don't like fighting fires, don't be a fireman ... and if you don't like voting, don't be a congressman," he said while working on product liability legislation that split business and consumer groups and made some members queasy.

Business groups had long sought federal legislation to pre-empt sometimes conflicting state liability standards (which are used by courts to determine when manufacturers should be held accountable for damages caused by their products). But consumer groups and trial lawyers feared that new legislation would make it more difficult for consumers to claim damages. Energy and Commerce Chairman John D. Dingell wanted Synar to alter a plan then before the panel to make it more palatable to consumer leaders and moderate Democrats.

Synar did produce changes that many Democrats considered more favorable to con-

Oklahoma 2

Northeast — Tulsa; Muskogee

This northeastern Oklahoma territory has had some good fortune. Sheltered somewhat by the low-lying Ozark Mountains, it was spared the worst of the Dust Bowl winds that ravaged much of the state during the 1930s and 1940s. Equally important, it has attracted numerous state and federal water projects over the years — projects that have bolstered agriculture, drawn vacationers and prompted some local chambers of commerce to bill the area as "Green Country."

The growing tourism industry is crowding the area's traditional enterprises, cattle ranching and the oil and gas business. Recent oil and gas activity has been confined largely to recovery from older wells.

With a 27 percent population increase, the 2nd was Oklahoma's fastest-growing district during the 1970s. Much of the growth occurred in the eastern Tulsa suburbs in Rogers and Wagoner counties, home to a substantial number of GOP voters. Muskogee, with 38,000 people the largest city wholly contained in the 2nd, dredges sand from the Arkansas River beds for use in its glass industry; it is Democratic.

The largest Indian population in Oklahoma is concentrated within the 2nd's boundaries, in the area settled by the Five Civilized Tribes in the 19th century. The Cherokee Nation has its headquarters in Tahlequah, the seat of Cherokee County, and members of other tribes are scattered through surrounding counties.

Although the 2nd has had a suburban Tulsa component for some time, 1982 redistricting moved the district into the city limits for the first time. The southeastern Tulsa portion of the 2nd is a GOP haven populated by middle-rung and top-level executives from the city's corporate offices. It often votes for Synar's little-known Republican opponents.

The 2nd as a whole retains a basically Democratic cast. Only Haskell County supported Walter F. Mondale for president in 1984, but in 1988, Michael S. Dukakis fared considerably better, carrying 10 counties in the 2nd and winning 47 percent of the districtwide vote. Mostly the district has voted Democratic in other recent statewide and local elections.

Population: 505,149. White 420,537 (83%), Black 22,965 (5%), American Indian, Eskimo and Aleut 58,472 (12%). Spanish origin 4,528 (1%). 18 and over 353,938 (70%), 65 and over 67,761 (13%). Median age: 32.

sumers than the original bill, but many still complained it was worse than existing law. The panel voted to pass it, but acrimony was dulled by the fact that few expected the legislation to become law. It did not.

Synar's belief that members should have the courage of their convictions has led him to take some risks and win some glory. He took a heavily publicized gamble in the 99th Congress. While most members rushed to embrace the Gramm-Rudman-Hollings deficit-reduction plan, which was portrayed as a test of congressional will to cut the budget, Synar led the charge against it, splitting with the rest of the Oklahoma delegation on final passage and launching the legal challenge that succeeded in having the pivotal section of the new law declared unconstitutional.

In early 1986 a three-judge federal panel ruled that the automatic cuts violated the separation of powers by giving executive power to the comptroller general. Synar's final victory came a few months later when the Supreme Court upheld that ruling in a 7-2 decision.

The best evidence that Synar means what he says about legislating in the national interest is the tenuous connection between many of his crusades and his own political interests in Oklahoma. One of his goals is to pass legislation that would ban all tobacco company advertising and promotions. He sees that as a step that could lead to a tobacco-free society. His bill has prompted attacks from advertisers and tobacco companies, and also from the American Civil Liberties Union, which says it would violate the constitutional right to free speech.

Along the way, he co-founded in 1987 the Rural Health Care Coalition. Initially dismissed by some as a publicity vehicle, the group has had some tangible achievements, including passage of a measure giving rural hospitals Medicare inflation increases that are larger than those going to urban centers.

At Home: A clean-cut son of a prominent ranching family, Synar jumped into a House campaign in 1978, just one year after returning home from school to practice law.

Although he was inexperienced at politics, he was the right sort of challenger to Democratic Rep. Ted Risenhoover, who had become controversial because of a divorce and a reputation as a playboy. The incumbent spent much of the primary trying to refute charges that he slept in a heart-shaped water bed in his Washington apartment. Compared with Risenhoover, Synar appeared fresh, polished and seemly, and

he won an 8,000-vote upset.

Synar was helped by his name. His father and five uncles have long been prominent in the Muskogee area. In 1971, they were selected the "Outstanding Family" in the United States by the All-American Family Institute.

After his 1978 election, Synar set up an intensive constituent-service operation. He announced that a majority of his staff members would remain in Oklahoma. These steps helped protect him in 1980 when GOP nominee Gary Richardson attacked him for having a liberal record; Synar held on with 54 percent of the vote. That was the last time anyone held Synar below 60 percent in a general election.

Conservative Democrats who feel Synar maintains too high a profile on national issues and is too liberal had a chance to gripe in the 1988 Democratic primary, in which state Sen. Frank Shurden challenged Synar from the right. But Synar got 70 percent of the primary vote and won easily in November.

Two years later, conservative Democrats lined up behind Jack Ross, a businessman, lawyer and rancher who criticized Synar for what he described as the incumbent's antipathy toward business. He accused Synar of voting with the "Eastern liberal establishment." Synar, in turn, labeled Ross "the special-interest candidate" for accepting political action committee contributions from the oil, banking, savings and loan, and tobacco industries.

Ross hammered at Synar in TV ads and appearances for voting against the flag-desecration constitutional amendment. One of his last TV ads, however, brought down the wrath of the state party. In mock-surveillance-film footage, a man dressed in shirt-sleeves and suspenders — Synar's characteristic garb — was depicted stepping out of a car and accepting a briefcase in a surreptitious manner as the announcer criticized him for accepting a contribution from the owner of a troubled thrift. The Democratic chairman scolded Ross for crossing the line. Synar held on for a 56-44 percent victory and won easily again in November.

Committees

Energy & Commerce (8th of 27 Democrats)
Energy & Power; Health & the Environment; Telecommunications & Finance

Government Operations (6th of 25 Democrats)
Environment, Energy & Natural Resources (chairman)

Judiciary (6th of 21 Democrats)
Economic & Commercial Law; Intellectual Property & Judicial Administration

Select Hunger (20th of 22 Democrats)
Domestic

Elections

1990 General		
Mike Synar (D)	90,820	(61%)
Terry M. Gorham (R)	57,331	(39%)
1990 Primary		
Mike Synar (D)	63,584	(56%)
Jack Ross (D)	50,255	(44%)
1988 General		
Mike Synar (D)	136,009	(65%)
Ira Phillips (R)	73,659	(35%)

Previous Winning Percentages: **1986** (73%) **1984** (74%) **1982** (73%) **1980** (54%) **1978** (55%)

District Vote For President

	1988	1984	1980	1976
D	97,030 (47%)	77,923 (36%)	82,689 (42%)	99,467 (54%)
R	110,189 (53%)	139,721 (64%)	108,520 (55%)	82,469 (45%)
I			4,654 (2%)	

Campaign Finance

	Receipts	Receipts from PACs	Expenditures
1990			
Synar (D)	$622,454	0	$631,839
Gorham (R)	$63,271	$6,625 (10%)	$62,793
1988			
Synar (D)	$310,865	0	$358,705
Phillips (R)	$84,777	$5,447 (6%)	$81,634

Key Votes

1991	
Authorize use of force against Iraq	N
1990	
Support constitutional amendment on flag desecration	N
Pass family and medical leave bill over Bush veto	Y
Reduce SDI funding	Y
Allow abortions in overseas military facilities	Y
Approve budget summit plan for spending and taxing	N
Approve civil rights bill	Y
1989	
Halt production of B-2 stealth bomber at 13 planes	N
Oppose capital gains tax cut	Y
Approve federal abortion funding in rape or incest cases	Y
Approve pay raise and revision of ethics rules	Y
Pass Democratic minimum wage plan over Bush veto	Y

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	17	82	93	4	13	85
1989	28	71	92	6	24	76
1988	26	73	93	5	13	87
1987	21	76	90	7	23	74
1986	24	71	83	11	24	70
1985	25	75	88	10	33	65
1984	44	51	80	13	36	53
1983	33	66	85	12	43	55
1982	43	55	79	17	44	52
1981	37	61	90	10	27	72

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	94	8	91	21
1989	85	4	67	40
1988	100	0	86	38
1987	84	13	75	13
1986	70	15	57	22
1985	75	14	53	36
1984	80	17	38	31
1983	75	17	71	50
1982	55	26	70	50
1981	80	13	73	16

4 Dan Glickman (D)

Of Wichita — Elected 1976

Born: Nov. 24, 1944, Wichita, Kan.
Education: U. of Michigan, B.A. 1966; George Washington U., J.D. 1969.
Occupation: Lawyer.
Family: Wife, Rhoda Yura; two children.
Religion: Jewish.
Political Career: Wichita Board of Education, 1973-76, president, 1975-76.
Capitol Office: 2311 Rayburn Bldg. 20515; 225-6216.

In Washington: Unfettered by the House's tendency to specialize, Glickman has extended his concerns from farm policy to television violence to campaign finance reform. Whether he ever reaches the Senate — his well-known goal — his legislative résumé already matches those of many senators.

The Kansas Democrat serves on four committees — Agriculture, Judiciary, Science, and Intelligence, and manages to be a serious player on each. He seems to have an amendment for nearly every major bill those committees bring to the floor, and every subcommittee he chairs becomes a legislative mill. This industry has helped Glickman move past his early reputation as merely a media-seeking maverick. Glickman's legislative ubiquity was noted in a headline in *The Hutchinson News* at the start of his 1990 campaign: "God Rested — Dan Won't."

A central player on the 1985 farm bill, Glickman was one of a group of younger House Democrats who wanted Congress to try new approaches for federal price-support program. At the start of the 100th Congress, he inherited a powerful new position, the chairmanship of the Agriculture Subcommittee on Wheat, Soybeans and Feed Grains. That guaranteed him a pivotal role in the committee's most important pieces of legislation, such as the 1990 farm bill.

Glickman was sensitive to the intensified budget-cutting atmosphere that prevailed in the 101st Congress, and to the diminishing sympathy for farm programs among members not from farm states. "The antipathy toward higher spending ... is higher than it has ever been before," he said. "And it is particularly going to afflict us in agriculture." Glickman favored the concept of "flexibility" included in the bill — allowing farmers to plant whatever they wanted on a portion of their land without government involvement or subsidy.

Several members circulated ideas to boost subsidies to soybean growers by creating a so-called marketing loan, a market-oriented price-support mechanism, for soybeans and other oilseeds. U.S. soybean growers were beleaguered by high production costs and foreign competition. Glickman proposed setting a loan level of $5.50 per bushel, modest compared with some of the other plans being advanced. The Wheat Subcommittee adopted his plan, which gave the Agriculture secretary authority to reduce the support rate by 5 percent a year. But deliberations in committee and later in the House-Senate conference reduced loan levels to $5.02 and included an assessment that would make the effective rate $4.92.

Glickman and Kansas' senior senator, Republican Bob Dole, have long battled for preeminence in their state's political arena, particularly among the state's farmers. Two politically astute operators with senior positions on Agriculture panels, each has contrived to outmaneuver the other on high-profile issues.

In 1989, the two dueled on a disaster-relief bill for farmers. Glickman engineered the House plan, which sailed through virtually unopposed. It extended eligibilty for aid to virtually any farmer who suffered a significant loss. Dole focused his efforts on getting more benefits for winter wheat farmers, threatening to obstruct the bill if his proposal was not accepted. "We're going to keep fighting for Kansas farmers, whether Dan likes it or not." Dole chided in *The Kansas City Times*.

But Dole was pressed to release the bill; he was constrained by the Bush administration to keep the cost of the bill to $875 million. Senate Agriculture Committee politics also complicated Dole's efforts. "Let our drought bill go," Glickman urged. Dole relented, and Glickman was credited with outflanking the Senate minority leader.

Glickman navigates potentially rough waters in working with Agriculture Chairman E. "Kika" de la Garza of Texas. In 1980, Glickman helped lead a group of dissident committee Democrats who tried to deny de la Garza the chairmanship.

Kansas 4

Central — Wichita

Aircraft workers with Southern roots give a blue-collar Democratic presence to Wichita and surrounding Sedgwick County, where more than three of every four votes in the 4th are cast. Wichita was the base of unsuccessful 1986 Democratic gubernatorial nominee Tom Docking, and in the governor's race of 1982, Democratic incumbent John Carlin won Sedgwick County's vote even though his opponent came from Wichita. Sedgwick's working-class voters have been the backbone of Glickman's strength, although Glickman also runs well among the county's suburban and rural voters.

This Democratic cast has become less and less evident at the presidential level, though. In 1976, President Ford edged Democrat Jimmy Carter in Sedgwick. In 1984, President Reagan won the county with 63 percent. George Bush took a comfortable 55 percent victory over Democrat Michael S. Dukakis.

The Republican lean at the national level is partly due to the beneficial local effect of the increased defense spending levels of the Reagan years. Boeing's military aviation works in Wichita enjoyed a boom during the period, cushioning the region's economy even from the recession of the early 1980s. McConnell Air Force Base, outside Wichita, which has facilities for basing B-1 bombers, also provides economic benefits for the district.

Civilian aviation is the other economic mainstay of Wichita, a city of more than 304,000 people that includes some of the state's largest minority communities outside Kansas City. Thousands are employed on the assembly lines of Boeing's commercial divisions, Cessna, Beech and Gates-Learjet, and by their subcontractors. However, the commercial-aviation business tends to be more cyclical and more subject to foreign competition than the military aircraft industry.

In addition to the aviation industry, Wichita retains an identity as a corporate base for Kansas' oil industry, which played an important role in the city's early development. The mid-1980s oil bust took a considerable toll in Kansas, costing jobs from the executive suites to the oil fields, but the industry is once again showing signs of life.

Outside of Wichita, farming remains the mainstay of the five-county district. The only other city of size in the 4th is Hutchinson (Reno County), with about 39,000 people.

Population: 473,180. White 421,885 (89%), Black 33,405 (7%), Other 8,356 (2%). Spanish origin 14,288 (3%). 18 and over 341,718 (72%), 65 and over 51,611 (11%). Median age: 29.

Though considered an expert on commodity futures, Glickman has not endeared himself to some of his colleagues by going up against the powerful financial interests in the futures markets, an important source of honoraria for Agriculture Committee members. But with recent federal investigations into trading fraud in the two largest markets, Glickman, a former attorney with the Securities and Exchange Commission (SEC), has reasserted himself. He joined with Ohio Democrat Dennis E. Eckart in the 101st Congress to propose merging the activities of the SEC and the Commodity Futures Trading Commission, creating a Markets and Trading Commission. They reintroduced their bill in the 102nd Congress.

From his seat on Judiciary, Glickman introduced legislation in the 101st Congress to exempt television-industry officials from antitrust laws if they get together to discuss reducing TV violence. It became law at the end of 1990. He also added an amendment to the 1990 anticrime bill that increased jail sentences for those convicted of using sawed-off shotguns, bombs or grenades in drug crimes.

Glickman has played a key role in the thorny debate over campaign finance reform. In the 101st and 102nd Congresses, he and Oklahoma Democrat Mike Synar advanced a plan to wean candidates from political action committees and replace lost dollars with public funds.

At Home: With his prominence on Kansas-related issues and his strength in a district that includes populous Wichita, Glickman faces speculation about his ambitions every time one of the state's Senate seats comes up. But through 1990, neither of the state's formidably popular Republican senators — Bob Dole and Nancy Landon Kassebaum — had stepped down, and Glickman was not inclined to give up his safe House seat to challenge either of them.

Nonetheless, with Dole facing a decision about whether to run for a fifth term in 1992, Glickman will once again lead the list of potential Democratic Senate contenders.

Although his district is a Republican stronghold in presidential contests, Glickman has frustrated all GOP challenges. Bolstered politically by his senior positions on district-relevant committees, Glickman amplifies his

visibility by making himself accessible to the Wichita media. "I am never too busy to talk to local TV, period, exclamation point," Glickman has said.

Glickman's only tough House contest was his first one in 1976, when he became the first Democrat to win this Wichita-based district in 36 years. A member of a wealthy and prominent local family, Glickman was the youthful president of the Wichita school board when he decided to challenge veteran GOP Rep. Garner E. Shriver, who had been re-elected by a surprisingly small margin in 1974.

Campaigning as a fiscal conservative and a moderate on other issues, Glickman worked vigorously to paint Shriver as a tired, inactive House member. "You've had 16 years of a professional politician. Now is the time for a citizen congressman," Glickman's campaign literature urged; Glickman himself called for six-term limits on House tenure. The 64-year-old Shriver was slow to respond. Glickman won by 3,235 votes.

Just two years later, Glickman was winning re-election with 70 percent of the vote; his work on behalf of district interests had quickly made him a popular figure. In six House contests since, he has never taken less than 64 percent of the vote.

Glickman received that figure in 1988. After running a series of staunchly conservative challengers, district Republicans nominated attorney Lee Thompson, a moderate with political ties to Kassebaum.

Thompson tried to hold Glickman to an old campaign promise: He centered his campaign on the "six terms and out" idea Glickman advocated in 1976. But Glickman easily deflected this thrust, noting that he had tried with no success as a House freshman to push his limited-tenure plan. He also reminded voters that his departure would weaken their influence on the then-pending farm bill revision.

After bypassing challenges to Dole in 1980 and 1986 and to Kassebaum in 1984, Glickman looked poised to move up in 1990. Kassebaum, like Glickman, had promised to serve no more than 12 years when she first ran for Congress. However, Kassebaum was correctly presumed as a sure bet for re-election, and also used seniority-based arguments when she announced for another term. Glickman stayed in the 4th.

Committees

Agriculture (8th of 27 Democrats)
Wheat, Soybeans & Feed Grains (chairman); Conservation, Credit & Rural Development; Department Operations, Research & Foreign Agriculture

Judiciary (8th of 21 Democrats)
Economic & Commercial Law; Intellectual Property & Judicial Administration

Science, Space & Technology (4th of 32 Democrats)
Technology & Competitiveness

Select Intelligence (4th of 12 Democrats)
Oversight & Evaluation; Program & Budget Authorization

Elections

1990 General		
Dan Glickman (D)	112,015	(71%)
Roger M. Grund (R)	46,283	(29%)
1988 General		
Dan Glickman (D)	122,777	(64%)
Lee Thompson (R)	69,165	(36%)

Previous Winning Percentages: **1986** (65%) **1984** (74%) **1982** (74%) **1980** (69%) **1978** (70%) **1976** (50%)

District Vote For President

	1988	1984	1980	1976
D	84,235 (43%)	70,140 (36%)	70,871 (37%)	87,817 (48%)
R	108,417 (55%)	124,731 (63%)	100,757 (53%)	89,301 (49%)
I			13,477 (8%)	

Campaign Finance

	Receipts	Receipts from PACs	Expenditures
1990			
Glickman (D)	$520,945	$294,865 (57%)	$355,581
Grund (R)	$4,227	$300 (7%)	$4,317
1988			
Glickman (D)	$562,266	$280,540 (50%)	$545,755
Thompson (R)	$149,704	$8,400 (6%)	$149,035

Key Votes

1991	
Authorize use of force against Iraq	Y
1990	
Support constitutional amendment on flag desecration	N
Pass family and medical leave bill over Bush veto	N
Reduce SDI funding	Y
Allow abortions in overseas military facilities	Y
Approve budget summit plan for spending and taxing	Y
Approve civil rights bill	Y
1989	
Halt production of B-2 stealth bomber at 13 planes	N
Oppose capital gains tax cut	Y
Approve federal abortion funding in rape or incest cases	Y
Approve pay raise and revision of ethics rules	Y
Pass Democratic minimum wage plan over Bush veto	Y

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	27	72	81	17	37	61
1989	37	60	80	18	59	34
1988	32	65	75	20	61	39
1987	26	74	80	17	58	42
1986	28	70	76	21	60	40
1985	36	63	76	22	53	45
1984	40	59	69	29	44	53
1983	43	57	73	23	46	53
1982	47	53	74	26	45	53
1981	47	53	70	30	48	51

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	72	17	67	31
1989	80	18	67	50
1988	80	16	86	43
1987	80	9	75	47
1986	55	32	64	50
1985	55	35	59	41
1984	60	29	62	38
1983	70	22	63	55
1982	70	18	80	24
1981	75	27	60	26

19 Edward F. Feighan (D)

Of Lakewood — Elected 1982

Born: Oct. 22, 1947, Lakewood, Ohio.
Education: Attended Borromeo College of Ohio, 1965-66; Loyola U., New Orleans, B.A. 1969; Cleveland-Marshall College of Law, J.D. 1978.
Occupation: Lawyer.
Family: Wife, Nadine Hopwood; four children.
Religion: Roman Catholic.
Political Career: Ohio House, 1973-79; Cuyahoga County Commission, 1979-83; candidate for mayor of Cleveland, 1977.
Capitol Office: 1124 Longworth Bldg. 20515; 225-5731.

In Washington: One way to rise in House Democratic circles is to select a narrowly defined national issue and become an expert. Another is to aggressively spar with a national party foe. Feighan has done both with his dogged efforts to restrict access to handguns. He is the chief sponsor of the best-known piece of handgun control legislation — the Brady bill — and also a leading House adversary of one of Washington's most muscular interest groups: the National Rifle Association (NRA).

While his efforts have not made this low-key and bookish-looking Ohioan a top-flight Democratic insider, they did earn him an important legislative victory in May 1991: House passage of Feighan's bill mandating a national seven-day waiting period for handgun purchases. The bill is named for James S. Brady, the former press secretary to Ronald Reagan, who was seriously wounded in the 1981 assassination attempt on the president, and for his wife, Sarah, now a leading gun-control activist.

The victory came at an opportune time for Feighan, who has yet to secure a subcommittee chair after nearly a decade in the House. Going into the 102nd Congress, he was next in line to take a subcommittee on Judiciary, but the panel reduced its total of subcommittees by one, and the only vacancy — the Immigration Subcommittee chair — went to Romano L. Mazzoli, who is senior to Feighan and had been ousted from the job in 1989.

Feighan thought about moving on to another political arena early in the 101st Congress. Concerned that his suburban Cleveland 19th would be adversely affected by redistricting before the 1992 election, he set up a committee to look into a 1990 gubernatorial bid. But he dropped the idea when it became apparent that Attorney General Anthony Celebrezze had the party hierarchy behind him. Instead, to protect his turf, Feighan raised and contributed a total of $55,000 for Democratic candidates to the Legislature in 1990.

Feighan should get a boost from publicity following House passage of the Brady bill. His success followed years of frustration as Feighan made little headway winning support for the seven-day waiting period to allow law-enforcement officials to identify those potential buyers, especially convicted felons, prohibited from owning guns.

In a 1987 piece in *The New York Times*, Feighan wrote, "Who would argue against legislation that could keep criminals and crazies from buying a handgun? ... Not surprisingly, the National Rifle Association is preparing to fight such legislation with all the high-powered political ammunition it can muster."

In the 101st Congress, there was a revival of public interest in gun-control measures, spurred by a proliferation of rapid-fire weapons, an onslaught of drug-related murders, and such incidents as the January 1989 schoolyard massacre in Stockton, Calif. But for the third consecutive time, Feighan watched the waiting period, though favored in most public opinion polls, die at the end of the Congress.

The Judiciary Committee had twice approved the measure, but it had never been approved by the full House. In 1988, Feighan attached his language to the omnibus crime bill, but when it got to the floor, opponents replaced it with an amendment that required the Justice Department to develop a system to enable gun dealers to identify immediately a felon trying to buy a firearm.

A similar proposal (the Staggers amendment) was offered during debate on the Brady bill in 1991, but Feighan had on hand a 1989 letter from the Justice Department that said such a system would take several years to develop. Coupled with an endorsement from Reagan, Feighan scored a 239-186 win.

Until the Brady bill's success in the House, gun-control advocates focused on stopping the rollback of gun laws that occurred in the early 1980s. In the 99th Congress, Feighan tried to push a 15-day waiting period, but an opposing House faction marshaled its forces to deal gun-

Ohio 19

Cleveland Suburbs

The 19th is the "ring around the county" district — a "U-shaped" monstrosity that merges the bulk of Cleveland's two former suburban districts into one. Critics complain that the quickest way from one end of the district to the other is by boat across Lake Erie.

A drive around the "U" takes one through a string of politically diverse suburbs — some dominated by ethnic Democrats, others by white-collar Republicans. There are, however, some common threads. Nearly all these communities are monolithically white and socially conservative.

Along the lake are wealthy GOP towns such as Bay Village and Rocky River. Inland, Democratic bowling alleys replace Republican golf clubs as social centers.

Children and grandchildren of European immigrants have moved out of Cleveland to inner suburbs like Parma, due south of the city. In recent years they have moved again. Parma's population declined in the 1970s and '80s, as residents left their ranch homes of the 1950s for the open spaces of outer suburbs such as Strongsville. But even with the population loss, Parma (population 88,000) is still the eighth-largest city in Ohio and the largest city in the 19th. Nearby steel mills and automobile plants give this section of the district a strong union presence.

Much of the Cleveland financial elite lives in outlying suburbs along Cuyahoga County's eastern boundary, such as Hunting Valley and Chagrin Falls Township. This is solid Republican territory.

Moving north toward the lake, one reenters the world of ethnic politics. The blue-collar workers of Polish and Slovenian descent who fled the city for suburbs such as Euclid and Mayfield have retained their Democratic allegiance, although with a conservative bent nowadays.

Population: 514,174. White 499,960 (97%), Black 7,918 (2%). Other 4,785 (1%). Spanish origin 2,946 (1%). 18 and over 386,888 (75%), 65 and over 66,615 (13%). Median age: 35.

control advocates an embarrassing setback. The pro-gun members pushed through an NRA-backed alternative that not only eliminated many of the gun-control proposals, but even weakened some provisions of the landmark 1968 gun-control law.

Besides provoking the NRA, Feighan's gun-control efforts pose other political risks. The issue has usually been seen as a liberal stance, and the 19th is packed with socially conservative, blue-collar ethnics. However, Feighan has gained some political cover from police organizations that support gun limits. In the 101st Congress, he bolstered his ties to such groups by offering legislation to require federal standards for bullet-resistant vests.

Feighan appeals to his more conservative constituents with a tough anti-drug stand. Chairman of the House Task Force on International Narcotics Control, Feighan also uses his position on the Foreign Affairs Committee to push for tougher economic pressures against nations that are the source of illegal drug exports to the United States.

His other major role on Foreign Affairs has been as a human rights activist, which also has a local impact: A member of the "Helsinki commission," he has aided several Jewish and Lithuanian families in the Cleveland area in obtaining emigration rights for their relatives in the Soviet Union.

At Home: Feighan unseated a member of his own party to win his House seat in 1982, then had to fend off a pair of vigorous Republican challenges to hold it. By 1988, however, he had established himself in the 19th.

A veteran of state and county office with longstanding family ties to the Cuyahoga County Democratic organization, Feighan was relatively well-known when he took on Democratic Rep. Ronald M. Mottl in the 1982 primary. However, he had to overcome the conservative Mottl's popularity among his base of working-class and ethnic voters, and had to make himself known throughout the newly — and oddly — reshaped 19th.

Feighan found a winning issue, though: He played up Mottl's support for President Reagan's 1981 tax and spending cuts, which had infuriated the local Democratic establishment. Feighan lined up the offended party loyalists and upset Mottl by 1,113 votes.

The general election was relatively routine for Feighan. Fairview Park Mayor Richard G. Anter, the GOP nominee, never connected with Mottl's constituency. Feighan carried not only the district's affluent areas but also the blue-collar communities, taking 59 percent.

With Reagan en route to a landslide reelection in 1984, Republicans thought they had a good chance of activating the conservative Mottl vote with former Cuyahoga County Audi-

tor Matthew J. Hatchadorian.

An experienced and aggressive campaigner, Hatchadorian charged that Feighan was too oriented to the inner city. He faulted Feighan for not supporting Reagan on economic and defense issues and said his own moderate Republicanism better suited suburban needs.

Feighan refused to back down, but he did make some efforts to reassure centrist voters, stressing his support for a balanced budget and his work against illegal drugs. In the closing days of the campaign, he unleashed some harsh TV ads, blunting the challenger's momentum: Feighan won with 55 percent of the vote.

His 1986 challenger was state Sen. Gary C. Suhadolnik, who in many respects was a GOP version of Mottl. Young and personable, Suhadolnik lived in the ethnic suburbs south of Cleveland that were Mottl's political base. He was a leader in the 1983 drive to roll back a state income-tax increase and was a high-profile opponent of abortion.

Suhadolnik pounded away at Feighan as a liberal globe-trotter, more concerned with human rights in South Korea than with struggling industrial workers in Cleveland. Feighan countered by pointing to his formation of the Cuyahoga Partnership Project, which mobilized Cleveland-area congressmen to develop ways to assist the local business community.

The incumbent's ace card was his experience in tough campaigns and a willingness to use hardball tactics. On separate occasions he accused Suhadolnik of distributing anti-Semitic campaign literature and of playing to "racial fears." Again, Feighan won 55 percent.

With three costly and futile efforts behind them, Republicans finally gave Feighan a pass in 1988. Rather than enjoy the quiet, he decided to clean up some unfinished business from the 1986 campaign. In 1988, he filed charges with the Federal Election Commission against three people he said were involved in distributing anti-Semitic literature in 1986. This led to accusations and finger-pointing within the GOP and headlines for the Democrat.

Feighan, like most other Ohio incumbents, lost several percentage points to the prevalent anti-Washington mood in 1990. However, he still won almost two-thirds of the vote.

Committees

Foreign Affairs (12th of 28 Democrats)
International Narcotics Control (chairman); Africa; Europe & the Middle East; International Economic Policy & Trade

Judiciary (11th of 21 Democrats)
Crime and Criminal Justice; Economic & Commercial Law

Elections

1990 General		
Edward F. Feighan (D)	132,951	(65%)
Susan M. Lawko (R)	72,315	(35%)
1990 Primary		
Edward F. Feighan (D)	65,771	(85%)
Bruce L. Edwards (D)	11,813	(15%)
1988 General		
Edward F. Feighan (D)	168,065	(70%)
Noel F. Roberts (R)	70,359	(29%)

Previous Winning Percentages: **1986** (55%) **1984** (55%) **1982** (59%)

District Vote For President

	1988	1984	1980	1976
D	114,751 (45%)	94,595 (41%)	81,481 (36%)	90,411 (42%)
R	139,652 (55%)	137,021 (59%)	124,246 (56%)	120,799 (56%)
I			16,943 (8%)	

Campaign Finance

	Receipts	Receipts from PACs	Expenditures
1990			
Feighan (D)	$323,072	$217,618 (67%)	$229,857
Lawko (R)	$7,863	0	$9,508
1988			
Feighan (D)	$391,199	$205,414 (53%)	$226,086
Roberts (R)	$522	$95 (18%)	$522

Key Votes

1991	
Authorize use of force against Iraq	N
1990	
Support constitutional amendment on flag desecration	N
Pass family and medical leave bill over Bush veto	Y
Reduce SDI funding	?
Allow abortions in overseas military facilities	?
Approve budget summit plan for spending and taxing	N
Approve civil rights bill	Y
1989	
Halt production of B-2 stealth bomber at 13 planes	Y
Oppose capital gains tax cut	Y
Approve federal abortion funding in rape or incest cases	Y
Approve pay raise and revision of ethics rules	N
Pass Democratic minimum wage plan over Bush veto	Y

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	18	71	86	5	17	78
1989	31	66	89	3	17	71
1988	17	80	86	4	18	79
1987	16	81	88	6	35	63
1986	17	81	90	5	14	86
1985	29	71	88	9	24	76
1984	26	71	81	17	17	81
1983	20	78	86	11	22	75

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	94	9	100	29
1989	90	4	100	40
1988	95	0	100	38
1987	92	0	100	29
1986	95	0	100	33
1985	70	10	82	32
1984	85	13	77	31
1983	90	4	94	20

26 Howard L. Berman (D)

Of Panorama City — Elected 1982

Born: April 15, 1941, Los Angeles, Calif.
Education: U. of California, Los Angeles, B.A. 1962, LL.B. 1965.
Occupation: Lawyer.
Family: Wife, Janis Schwartz; two children.
Religion: Jewish.
Political Career: Calif. Assembly, 1973-83.
Capitol Office: 137 Cannon Bldg. 20515; 225-4695.

In Washington: Republican strategists have hinted at making a 1992 political issue out of who supported President Bush on the use of force against Iraq. But if the GOP tries to use a broad brush against liberal Democrats, they will find that Berman is tar-proof. Long before he cast his vote in favor of the January 1991 resolution authorizing the war against Iraq, Berman was warning of the threat posed by that nation's dictator, Saddam Hussein.

From the time in 1988 when Iraq's troops used poison gas against that nation's Kurdish minority until the eve of the Iraqi invasion of Kuwait, Berman labored to pass a bill enacting economic sanctions against Iraq. But he was parried by opposition from officials in the Reagan and Bush administrations, who then viewed Iraq as a bulwark against Iran and as a key player in Middle East politics.

In the wake of the U.S. military action sparked by Iraq's aggression, Berman is certain to revisit Congress' role in shaping foreign policy: At the start of the 102nd Congress, he became chairman of the House Foreign Affairs Subcommittee on International Operations.

Berman's interest in Middle East affairs stems largely from his support for Israel. He consistently backs U.S. aid to Israel, opposes arms sales to Arab nations and favors strict trade limits on the radical Middle East states.

In 1988, Berman led the fight for a House bill barring U.S. oil purchases from Iraq and opposing U.S. trade credits and loans by international banking organizations to that nation unless its leaders swore off using chemical weapons. Though the Reagan administration said Iraq had given "reliable assurances" it would not use such weapons, the measure passed as part of a larger foreign aid bill. However, objections by Sen. Jesse Helms, R-N.C., to unrelated portions of the bill killed it at the end of the 100th Congress.

The issue was revived in April 1990, when an increasingly belligerent Saddam Hussein threatened to "burn up half of Israel" with chemical weapons if Israel attacked Iraq. Berman revived his sanctions bill, stating, "It is past time to deny this evil totalitarian the finance and materials he seeks to implement his threats." The Bush administration, still trying to keep open diplomatic channels to Iraq, succeeded at stalling the effort. The bill was reported by the Foreign Affairs Committee on Aug. 1, 1990; the next day, Iraqi troops overran Kuwait. The bill became law in November 1990.

The war resolution debate in January 1991 divided Jewish members of Congress, many of whom are liberal Democrats who opposed the U.S. intervention in Vietnam. Berman stuck by his anti-Saddam line and supported Bush, but not without an "I told you so."

"I was a longtime critic of this administration's policy toward Iraq, which I feel was partially responsible for the miscalculation on Saddam's part that the United States would tolerate any behavior by Iraq," Berman said. Just as on his Iraq bill, Berman ran into White House complaints about "micromanagment" when he proposed a bill instituting sanctions against countries and companies that sell chemical and biological weapons to other nations. The measure, attached as an amendment to the Export Administration Act of 1990, provoked a pocket veto by Bush.

One Berman-sponsored bill that became law during the 101st Congress tightened restrictions on arms sales to nations that sponsor terrorism. Berman and an ideological opposite, Illinois Republican Henry J. Hyde, first found common ground on the issue in 1986. But the law that resulted from their early efforts contained loopholes the Reagan White House exploited to sell arms to Iran in what would become the Iran-contra affair. After that scandal broke, Berman and Hyde proposed a tougher measure. It passed the House during the 100th Congress, but died in the Senate.

However, Berman and Hyde revived the bill. Its bans on U.S. aid and arms sales (government or commercial) to countries that the secretary of state has determined to be supporters of terrorism remained unchanged. But it contained a provision sought by the Bush administration which permits the president to

California 26

Santa Monica Mountains; Central San Fernando Valley

Clever Democratic map-making made Berman's House election a near-certainty. In picking up liberal territory that was part of Democratic Rep. Anthony C. Beilenson's old 23rd District, the 26th became a solidly Democratic district. Many of the former Beilenson voters live in the fashionable Mulholland Drive area north of Beverly Hills.

Farther west are Sherman Oaks and Studio City, in the San Fernando Valley at the base of the Santa Monica Mountains. Berman represented this area for a decade in the Assembly.

The less favorable part of the district for Democrats is in the heart of the San Fernando Valley — communities such as Van Nuys, Panorama City and Sepulveda. The ranch-style houses that line the endless straight streets here are home to the white-collar professionals and well-paid blue-collar workers who populate the valley.

The aviation and electronics industries are major employers. But Lockheed, which came here in 1928, announced plans in 1990 to shut down its huge facility in Burbank.

Nearly all the areas in the 26th have for years been under Democratic representation in the state Legislature. But the constituency occasionally shows a strong conservative streak on some social and economic issues. In 1988, the area voted for a ballot proposition to require mandatory AIDS testing for certain individuals.

The northernmost end of the district is the most industrialized portion; it has attracted large numbers of Mexican-Americans. Their migration to communities such as San Fernando City and Pacoima has helped boost the overall Hispanic population of the district to 25 percent.

Population: 525,995. White 417,569 (79%), Black 23,218 (4%), Other 21,880 (4%). Spanish origin 131,180 (25%). 18 and over 392,919 (75%), 65 and over 53,364 (10%). Median age: 31.

waive the bans if such action is in the national interest and if Congress is informed in advance. The bill became law in December 1989.

As a member of the Judiciary Committee, Berman has been active on immigration issues. He was one of the key negotiators in producing a new national immigration law in the 99th Congress. When the 101st Congress debated the first overhaul of the nation's immigration visa-allotment system since 1965, Berman called for a higher annual limit on the number of immigrants than that contained in the major proposal by Sens. Edward M. Kennedy, D-Mass., and Alan K. Simpson, R-Wyo.

It is on Judiciary, more so than on Foreign Affairs, that Berman's liberal instincts show. He opposed the 1989 law and the unsuccessful 1990 constitutional amendment to ban flag burning. Also, Berman has proposed a bill to ban the sale of assault rifles and pistols.

Berman retains the political skills that enabled him, along with House colleague and longtime friend Henry A. Waxman, to build a powerful Democratic organization in Los Angeles. At the start of the 101st Congress, Berman lobbied long and hard for a seat on the Budget Committee. "I made a real pest of myself," he later said. When the Democratic Steering and Policy Committee voted, Berman finished well ahead of the other 12 Democrats seeking the six open committee seats.

At Home: The "Berman-Waxman" organization dominates the West Los Angeles political scene. It is less a "machine" than a network of like-minded politicians who pool resources to back candidates — expected to be legislative allies — with money, organization, computer technology and the skills of Berman's brother, Michael, a political consultant.

Howard Berman's influence in Democratic politics stretches back to the late 1960s, when he and Waxman, students at UCLA, were involved in the Federation of Young Democrats. Berman succeeded Waxman in the presidency of the federation in 1967, and helped him win a seat in the state Assembly the following year.

In 1972 Berman again followed Waxman's lead, challenging veteran GOP Assemblyman Charles J. Conrad in a traditionally Republican district that had grown more Democratic with the migration of residents from inner-city Los Angeles. Pulling in funds from his by-then extensive contacts and mobilizing Young Democrats and students, Berman toppled Conrad.

Berman pursued his job in Sacramento with relish, building a following in the Legislature and allying himself with Speaker Leo T. McCarthy and Gov. Edmund G. Brown Jr. He was a consummate facilitator and tactician, with a relaxed style that made him approachable even to opponents.

Yet Berman's upward climb in the Assembly was derailed by his own ambitions. Despite his long alliance with McCarthy, Berman challenged him for Speaker in a 1980 contest that ended up poorly for both men.

Berman justified his move by contending that McCarthy's statewide ambitions — he

planned to run for higher office in 1982 — were leading him to raise money for his own efforts instead of working to elect Democratic candidates to the Legislature. Both speakership contenders decided to use the 1980 elections to build their own strengths, funneling money to state legislative candidates who could be expected to back them in Sacramento. Once the air cleared in November, Berman, who already had support from most Assembly Democrats, had increased his forces by two members.

But even as McCarthy conceded defeat, his backers, bitterly opposed to a Berman speakership, threw their support to a third candidate, Willie L. Brown Jr. With the help of GOP members of the Assembly who feared Berman's leadership, Brown was elected Speaker, a position he would hold into the 1990s.

Redistricting offered the new Speaker an opportunity to help promote Berman out of Sacramento. When Rep. Phillip Burton's remap plan gave Berman a favorable congressional district, Brown was happy to ease its passage.

Still, Berman had to work for the House seat. The GOP nominated wealthy auto dealer Hal Phillips, who had strong financial backing. For the first time since his 1972 Assembly fight, Berman walked precincts and, with his brother's help, ran an extensive direct-mail campaign. He won with 60 percent of the vote.

Once in Congress, Berman worked to preserve the redistricting plan that had sent him there. In 1984, while coasting to re-election, he raised money to defeat GOP Gov. George Deukmejian's ballot initiative that would have undone the Democratic-tilted remap. In 1990, Berman campaigned against two ballot measures to limit the influence of the Democratic-controlled Legislature over 1990s redistricting. Michael Berman and his consulting partner Carl D'Agostino handled the media for the successful efforts against the initiatives.

Meanwhile, Berman has had no trouble at the polls. He topped out at 70 percent in 1988 before slipping to a more typical 61 percent in 1990 against GOP businessman Roy Dahlson.

Committees

Budget (12th of 23 Democrats)
Budget Process, Reconciliation & Enforcement; Defense, Foreign Policy & Space

Foreign Affairs (10th of 28 Democrats)
International Operations (chairman); Arms Control, International Security & Science

Judiciary (12th of 21 Democrats)
Economic & Commercial Law; International Law, Immigration & Refugees

Elections

1990 General		
Howard L. Berman (D)	78,031	(61%)
Roy Dahlson (R)	44,492	(35%)
Bernard Zimring (LIBERT)	5,268	(4%)
1990 Primary		
Howard L. Berman (D)	43,676	(86%)
Scott Gaulke (D)	6,912	(14%)
1988 General		
Howard L. Berman (D)	126,930	(70%)
G.C. Broderson (R)	53,518	(30%)

Previous Winning Percentages: **1986** (65%) **1984** (63%) **1982** (60%)

District Vote For President

	1988	1984	1980	1976
D	108,660 (55%)	90,429 (45%)	70,242 (38%)	83,316 (52%)
R	85,640 (44%)	108,528 (54%)	93,648 (51%)	74,919 (46%)

Campaign Finance

	Receipts	Receipts from PACs		Expenditures
1990				
Berman (D)	$510,538	$181,500	(36%)	$450,401
Dahlson (R)	$83,775	$250	(0%)	$82,453
1988				
Berman (D)	$528,296	$209,317	(40%)	$409,233

Key Votes

1991	
Authorize use of force against Iraq	Y
1990	
Support constitutional amendment on flag desecration	N
Pass family and medical leave bill over Bush veto	Y
Reduce SDI funding	Y
Allow abortions in overseas military facilities	Y
Approve budget summit plan for spending and taxing	N
Approve civil rights bill	Y
1989	
Halt production of B-2 stealth bomber at 13 planes	Y
Oppose capital gains tax cut	Y
Approve federal abortion funding in rape or incest cases	Y
Approve pay raise and revision of ethics rules	‡
Pass Democratic minimum wage plan over Bush veto	Y

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	20	77	93	3	7	93
1989	31	63	90	3	10	90
1988	23	66	90	4	5	84
1987	14	84	89	3	5	93
1986	18	80	89	5	12	82
1985	24	68	91	3	9	85
1984	29	62	84	6	7	88
1983	24	67	85	5	10	88

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	100	4	92	23
1989	95	4	100	30
1988	95	4	85	36
1987	88	0	88	13
1986	95	5	92	19
1985	100	10	94	24
1984	95	9	77	43
1983	95	0	88	25

2 Harley O. Staggers Jr. (D)

Of Keyser — Elected 1982

Born: Feb. 22, 1951, Washington, D.C.
Education: Harvard U., B.A. 1974; West Virginia U., J.D. 1977.
Occupation: Lawyer.
Family: Wife, Leslie Sergy; two children.
Religion: Roman Catholic.
Political Career: Sought Democratic nomination for U.S. House, 1980; W. Va. Senate, 1981-83.
Capitol Office: 1323 Longworth Bldg. 20515; 225-4331.

In Washington: Staggers appears to have inherited the modest style of his father, who spent 32 years in the House and chaired the Commerce Committee for over a decade without wielding much clout. The younger Staggers moves in the same quiet fashion.

In the 101st Congress, he got a platform to call his own: the chairmanship of the Veterans' Affairs panel that oversees veterans' housing programs. In 1989, during work on a catchall veterans' benefits bill, the committee attached Staggers' bill requiring recipients of VA-backed loans to pay slightly higher fees to cover the costs of the VA guaranteed home-loan program.

Staggers is also active on the Judiciary Committee. He strongly opposes gun-control legislation. In the 101st and 102nd Congresses, he worked against efforts to enact a seven-day waiting period for people who want to buy handguns — known as the "Brady bill" — as well as a bill to ban U.S.-made assault-style semiautomatic weapons. In 1991, he sponsored the National Rifle Association-backed substitute to thwart the Brady bill. His amendment, to order states to set up an instant check system, lost 193-234. The House passed the Brady bill.

A stalwart opponent of abortion, Staggers also believes capital punishment is immoral. In 1986, he blasted an amendment to the omnibus drug bill to enforce capital punishment for certain illegal drug offenses. "It is ironic," Staggers said, "that the House is attempting to attach a death penalty to a bill that's ultimate purpose is to save lives. . . . In a civilized society, there is just no place for capital punishment, just as there is no place in a civilized society for abortion. The taking of a life is morally wrong — in every respect."

In 1990, Staggers tried to amend an omnibus anticrime bill so all crimes in the measure would carry only the maximum sentence of life in prison without parole. His amendment lost by voice vote in committee and by 103-322 on the House floor.

Staggers is less visible on the Agriculture Committee, where his subcommittee assignments enable him to fight for food programs for the poor and economic development for his rural district. In the 101st Congress, he added language to rural development legislation to make rural small business "incubators" — umbrella organizations that assist new small businesses — eligible for loans. His amendment was adopted in the House by voice vote.

Likable and low-key, Staggers is a frequent participant in the regular congressional basketball games. He generally tends to issues with a local slant, spending much time on constituent services and local projects.

At Home: Staggers was unopposed in 1986 and won easily in 1988, but the population growth in the eastern Panhandle helped make his re-election margin less comfortable in 1990. Newcomers unfamiliar with the Staggers name gave serious consideration to his high profile GOP challenger. Recruited by the state GOP, Oliver Luck, a former football star at West Virginia University, proved to be a well-financed and effective campaigner.

But his message of jobs and economic development failed to resonate throughout the district, partly because the 2nd had not suffered the same high unemployment rates and population losses as the rest of the state. Staggers drew less than 60 percent in 14 of the 20 counties, but he prevailed with just 56 percent of the vote overall.

The Staggers family wanted an uninterrupted succession in the 2nd, but voters rejected the idea in 1980. The elder Harley announced his departure that year and anointed his son, but the politically inexperienced Harley Jr. did not make it out of the primary.

State party leaders made sure Staggers had a strong base from which to mount his second House campaign. After his 1980 primary loss, he was appointed to a vacancy in the state Senate. Staggers kept a low profile, but worked on his 1982 House effort and was nominated without opposition.

Harley Jr. was far outspent by the GOP nominee, but the elder Staggers rallied his political network behind the scenes. His son swept every county.

West Virginia 2

East — Morgantown; Eastern Panhandle

Much of the 2nd District resembles the other three congressional districts. Its youth are leaving in droves and per capita income is among the lowest in the country. Rural hospitals are financially troubled; in Barbour County, unemployment is almost three times higher than the rest of the state.

Anomalous to the state, however, is the eastern Panhandle. This region is marked by a robust economy, and double-digit growth. Rapid population gains in the three easternmost counties left the 2nd as the only district to gain population in the 1980s; Berkeley registered a 26 percent population gain while Jefferson notched 18 percent.

One of the larger districts east of the Mississippi, the 2nd has no real media markets. Most of it is in the Allegheny Mountains, where the standard of living is the lowest in the state. Politically, the 2nd is marginal. Republican George Bush carried it narrowly in the 1988 presidential election; it was the only district in West Virginia that he won.

Democratic strength is greatest in the few mining and industrial areas along the western fringe. Monongalia County, one of the state's leading coal-producing counties, combines a sizable number of blue-collar voters with the academic community at West Virginia University in Morgantown. Fayette County is the other major Democratic stronghold. It lies at one end of the industrialized Kanawha Valley.

GOP candidates usually run best in the eastern Panhandle including the northern Shenandoah Valley. Pastoral Grant County regularly turns in the highest Republican percentages in the state. It went for Bush by a margin of nearly 4-to-1 in 1988.

Population: 487,438. White 469,213 (96%), Black 15,235 (3%). Spanish origin 3,439 (1%). 18 and over 350,168 (72%), 65 and over 60,621 (12%). Median age: 30.

Committees

Agriculture (13th of 27 Democrats)
Conservation, Credit & Rural Development; Domestic Marketing, Consumer Relations & Nutrition

Judiciary (14th of 21 Democrats)
Administrative Law & Governmental Relations; Economic & Commercial Law

Select Aging (30th of 42 Democrats)
Human Services; Rural Elderly

Veterans' Affairs (6th of 21 Democrats)
Housing & Memorial Affairs (chairman)

Elections

1990 General

Harley O. Staggers (D)	63,174	(55%)
Oliver Luck (R)	50,708	(45%)

1988 General

Harley O. Staggers Jr. (D)	118,356	(100%)

Previous Winning Percentages: **1986** (69%) **1984** (56%) **1982** (64%)

District Vote For President

	1988	1984	1980	1976
D	81,178 (48%)	77,702 (42%)	87,423 (48%)	105,527 (57%)
R	86,633 (52%)	107,719 (58%)	86,471 (47%)	79,607 (43%)
I			8,721 (5%)	

Campaign Finance

	Receipts	Receipts from PACs	Expenditures
1990			
Staggers (D)	$419,859	$302,800 (72%)	$500,133
Luck (R)	$357,109	$57,476 (16%)	$356,282
1988			
Staggers (D)	$146,928	$131,953 (90%)	$90,537

Key Votes

1991

Authorize use of force against Iraq	N

1990

Support constitutional amendment on flag desecration	Y
Pass family and medical leave bill over Bush veto	Y
Reduce SDI funding	Y
Allow abortions in overseas military facilities	N
Approve budget summit plan for spending and taxing	N
Approve civil rights bill	Y

1989

Halt production of B-2 stealth bomber at 13 planes	N
Oppose capital gains tax cut	Y
Approve federal abortion funding in rape or incest cases	N
Approve pay raise and revision of ethics rules	N
Pass Democratic minimum wage plan over Bush veto	Y

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	17	80	88	10	28	72
1989	40	59	84	13	39	61
1988	23	77	89	11	47	53
1987	17	81	92	5	28	72
1986	18	82	89	8	32	68
1985	29	70	88	9	33	65
1984	30	70	88	10	29	71
1983	16	84	86	12	30	70

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	72	13	83	29
1989	80	18	83	40
1988	80	12	100	21
1987	96	4	100	13
1986	85	5	100	28
1985	70	19	82	38
1984	65	13	85	38
1983	85	13	94	5

5 John Bryant (D)

Of Dallas — Elected 1982,

Born: February 22, 1947, Lake Jackson, Texas.
Education: Southern Methodist U., B.A. 1969, J.D. 1972.
Occupation: Lawyer.
Family: Wife, Janet Elizabeth Watts; three children.
Religion: Methodist.
Political Career: Texas House, 1974-83.
Capitol Office: 208 Cannon Bldg.20515; 225-2231.

In Washington: After announcing in 1989 that he would leave the House to run for state attorney general, Bryant reversed field and opted to continue his congressional career.

His abilities are well-regarded by his colleagues, and he was characteristically active during the 101st Congress. But all Texans in the House lost some influence with the mid-1989 departure of Jim Wright as Speaker, and at times Bryant seemed particularly ill at ease with the leadership style of Wright's successor, Thomas S. Foley of Washington.

First elected in 1982, Bryant was quick to impress. He won a place on the Energy and Commerce Committee in his first term, and in the 101st Congress, Bryant took a seat on Budget, with help from Wright.

Bryant's views seem to put him closer to the national Democratic Party than are many other Texans; only one other member of the state's delegation voted against President Bush more often in 1990. But his positions are generally more populist than liberal.

One of Bryant's most publicized crusades in the 100th and 101st Congresses was for a measure requiring new disclosures of foreign ownership of U.S. companies' assets in cases where a U.S. business is more than 5 percent foreign-owned, and more extensive ownership disclosure where the foreign stake is 25 percent or more. The measure cleared Energy and Commerce 21-20, and became one of the more contentious legislative trade issues. The bill came under strong attack on the floor by opponents who feared it would reduce foreign investment needed to counteract the inflationary effects of the federal deficit. But Bryant said he had altered the plan to meet objections from the securities industry and others who would have to comply with it.

Bryant defeated an attempt to weaken his proposal 190-230, but he faced strong opposition in a House-Senate conference. Under threat of a presidential veto, his provisions were dropped from the omnibus trade bill.

That did not end the fight, however, because Bryant pushed the bill separately on the House floor, winning 250-170. It never made it past the Senate, but Bryant tried again in the 101st Congress. This time, however, legislators and administration officials coalesced behind an alternative backed by Sen. Jim Exon of Nebraska and Rep. Philip R. Sharp of Indiana. That bill, which eventually became law, seeks to better refine and analyze existing data on foreign investment rather than collect and disclose new information, as Bryant advocated.

Bryant had better luck with his efforts to improve the quality of children's television. After bluntly telling a convention of broadcasters in Texas that he considered children's TV to be in sorry shape, Bryant during the 100th Congress worked with Democratic Rep. Terry L. Bruce of Illinois on a bill to protect children from exploitation by commercial broadcasters. Bryant wanted to limit the amount of advertising allowed on children's TV and require one hour per day of educational programming for children. A compromise including advertising limits and the consideration of educational programming during license renewal passed that Congress, but was later vetoed.

In the 101st Congress, however, Bryant saw the bill become law, without the president's signature. The law limits advertising on children's programming to a maximum of 12 minutes per hour, and ties licensing renewal to overall programming standards for children.

Bryant is also a player on the Judiciary Committee, where he has been active on immigration issues of concern to Texas. During the immigration reform debates of the 101st Congress, Bryant was one of only a few Democrats to vocally oppose raising immigration ceilings, arguing that resources were inadequate to accommodate more newcomers. But Bryant did back measures to allow the family members of illegal aliens legalized under previous "amnesty" provisions to remain in this country.

On gun control, Bryant in 1988 was one of just four Texas House members opposing the wishes of the National Rifle Association to back a seven-day waiting period for handgun purchases. Bryant had some cover: a hunter himself, he had

Texas 5

Downtown Dallas; Eastern and Southern Suburbs

Few American cities have as controversial a reputation as Dallas. Following the assassination of President Kennedy there in 1963, the city suffered from an image of frontier violence and extremism that was hard to shake. Just as that perception was fading, the television series "Dallas" came along to popularize the image of a metropolis ruled by an oligarchy of oil interests obsessed with money and power.

When Dallas was in the national spotlight during the 1984 Republican National Convention, local boosters were eager for the city to come across as a sophisticated, cosmopolitan place. It succeeded to some degree; visitors were impressed by such amenities as the stunning art museum and the fine restaurants. But many Northerners looking for characteristics that fit their definition of a city did not find them in Dallas. Reflecting on the antiseptic quality of the steel-and-concrete downtown and its rather vacant sidewalks, one joked that "anything that smacks of 'funky' here gets torn down and replaced with a high-rise."

Nonetheless, Dallas and the 5th have some diversity. Just northwest of downtown lies Oaklawn, a fashionable enclave of young professionals with a sizable gay community. East Dallas is a mix of lower-middle- and upper-middle-class residential neighborhoods and more transient young workers. The bulk of the district's black population — which stands at 20 percent — lives in the economically depressed southern part of the city. South Dallas has a sizable Hispanic community.

But while more than 60 percent of the district vote is cast within Dallas, the decisive political areas are blue-collar suburbs such as Mesquite, Sunnyvale, Seagoville and Balch Springs. These are not reliably Democratic areas: In 1980 and 1984, they voted for Ronald Reagan. But in 1988, their support enabled Michael S. Dukakis to win the district by 458 votes.

In suburbs farther south and west, the working-class voters have an affinity for Democrats, though they prefer candidates in the moderate-to-conservative mold. This area includes Hutchins, Wilmer and Lancaster, three towns transferred to the 5th in 1982 redistricting.

Population: 526,633. White 377,294 (72%), Black 103,339 (20%), Other 6,862 (1%). Spanish origin 64,455 (12%). 18 and over 374,926 (71%), 65 and over 45,962 (9%). Median age: 28.

the support of the Dallas police chief.

Underneath Bryant's low-key nature and hound dog eyes lies a strong-willed populist with driving political ambition. At times, he makes his points with a zeal that critics think borders on demagoguery. When Reagan's Energy Secretary John S. Herrington came before the Energy and Power Subcommittee in 1987 after issuing a report on the oil industry, Bryant, frustrated by the lack of recommendations for aiding the industry, attacked him mercilessly. "I'd like to see an energy secretary that only had one arm," Bryant said, "so he couldn't keep saying 'on the other hand.' " The remark caused Herrington to bristle.

Whatever Herrington's view, Bryant's comment probably played well in Texas. And he does more than just speak up for the oil industry. While he has quarreled with various elements of the business community over the years, he has worked with home-state business interests when he can. In the 99th Congress, Bryant led a fight to repeal provisions of the Fuel Use Act of 1978, which prohibited the use of oil and natural gas as boiler fuels for new utility and industrial plants. A repeal measure, strongly desired by the troubled oil industry, passed the House, but did not become law in the 99th. The act was repealed in 1987.

Bryant does not shy away from a fight, even with Energy and Commerce Chairman John D. Dingell. A former trial lawyer, Bryant went against Dingell in the 100th Congress when the committee debated legislation to establish a federal product liability standard. Businesses have long pushed for legislation to preempt state laws used by courts to determine the compensation that manufacturers must pay for damages resulting from use of their products. But business has been opposed by trial lawyers and consumer groups, who fear a change would infringe on victims' rights.

Bryant was in the latter group, and he offered one successful amendment in committee to make it clear that a manufacturer could be held liable for certain damages. He failed with an amendment that effectively would have allowed states to continue to determine liability for design flaws. But the liability bill, which cleared committee, never cleared the House.

At Home: Bryant's announced plans to run in 1990 for attorney general generated a flutter of hope among Republicans of taking the 5th. But once Bryant re-entered the House race, he had little difficulty winning.

The tortuous course of Texas redistricting

worked to Bryant's advantage in 1982, first throwing the 5th open and then virtually guaranteeing a Democratic victory. The Legislature initially altered the Dallas-based 5th to tilt it Republican, and that persuaded incumbent Democrat Jim Mattox to run for attorney general. A three-judge federal panel restored its Democratic boundaries early in 1982, but by then Mattox was committed to his statewide campaign. Bryant was left as the front-runner in a constituency considerably better for Democrats than Mattox's had been.

The real test for Bryant was the Democratic primary, in which his chief foe was former Dallas Mayor Pro Tem Bill Blackburn. Although Blackburn had good funding and name recognition, his political ties were to downtown Dallas and its business community, and these were no asset in the blue-collar 5th. The result was surprisingly one-sided, with Bryant taking 66 percent. He had no trouble in November, and the GOP did not field a candidate in 1984.

Republicans did show some interest in Bryant in 1986. But when a popular Republican politician opted not to run, local GOP leaders ended up fielding an energetic, if inexperienced, candidate. Oil and gas lobbyist Tom Carter never had sought public office before, although he had been active in area party affairs. He branded Bryant a menace to entrepreneurs.

But Bryant had established allies in the Dallas business community, including some normally Republican captains of the energy industry; others were wary of working too hard against an influential junior member of Energy and Commerce. Although Carter managed a strong showing in suburban boom communities such as Garland and Mesquite — part of the district's natural GOP base — he faltered in the 5th's more politically competitive territory. Bryant won with almost 60 percent, and in 1988 pushed his victory share back above 60 percent.

In 1990, GOP nominee Jerry Rucker tried to wound Bryant with anti-incumbent artillery such as the congressional pay raise and national S&L crisis. But despite a political base from five years on the Dallas City Council, Rucker could not drag Bryant below 60 percent.

In the Texas House, Bryant made a name for himself in a battle over taxation of farm land, leading the faction opposing tax advantages for speculators and farming corporations. He was also largely responsible for molding the infant House Study Group into a research body for moderates and liberals — much like the Democratic Study Group of the U.S. House.

By the end of his second term in the Legislature, Bryant had become the leader of a group of liberal Democrats who found themselves frequently at odds with House Speaker Billy Clayton. In 1980, Bryant unsuccessfully challenged Clayton for the Speaker's chair.

Committees

Budget (14th of 23 Democrats)
Defense, Foreign Policy & Space; Human Resources

Energy & Commerce (16th of 27 Democrats)
Health & the Environment; Oversight & Investigations; Telecommunications & Finance

Judiciary (15th of 21 Democrats)
Crime and Criminal Justice; Economic & Commercial Law; International Law, Immigration & Refugees

Elections

1990 General

John Bryant (D)	65,228	(60%)
Jerry Rucker (R)	41,307	(38%)
Kenneth Ashby (LIBERT)	2,939	(3%)

1988 General

John Bryant (D)	95,376	(61%)
Lon Williams (R)	59,877	(38%)

Previous Winning Percentages: **1986** (59%) **1984** (100%) **1982** (65%)

District Vote For President

	1988	1984	1980	1976
D	80,713 (50%)	68,926 (41%)	70,128 (45%)	57,813 (48%)
R	80,255 (50%)	100,261 (59%)	80,636 (51%)	60,885 (51%)
I			4,190 (3%)	

Campaign Finance

	Receipts	Receipts from PACs	Expenditures
1990			
Bryant (D)	$936,755	$458,721 (49%)	$1,034,446
Rucker (R)	$453,796	$45,875 (10%)	$453,165
1988			
Bryant (D)	$889,511	$393,057 (44%)	$646,218
Williams (R)	$180,629	$24,676 (14%)	$179,201

Key Votes

1991

Authorize use of force against Iraq	N

1990

Support constitutional amendment on flag desecration	N
Pass family and medical leave bill over Bush veto	Y
Reduce SDI funding	Y
Allow abortions in overseas military facilities	Y
Approve budget summit plan for spending and taxing	N
Approve civil rights bill	Y

1989

Halt production of B-2 stealth bomber at 13 planes	N
Oppose capital gains tax cut	Y
Approve federal abortion funding in rape or incest cases	?
Approve pay raise and revision of ethics rules	Y
Pass Democratic minimum wage plan over Bush veto	Y

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	13	84	89	9	33	67
1989	24	43	70	5	24	44
1988	19	74	87	7	42	55
1987	25	71	88	5	49	44
1986	18	80	84	12	54	46
1985	23	78	89	8	31	67
1984	22	62	74	6	17	64
1983	24	76	84	10	36	60

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	83	17	92	29
1989	75	12	91	30
1988	85	9	100	27
1987	80	4	100	14
1986	65	23	93	44
1985	55	10	88	41
1984	75	0	92	38
1983	80	13	94	20

21 Hamilton Fish Jr. (R)

Of Millbrook — Elected 1968

Born: June 3, 1926, Washington, D.C.
Education: Harvard U., A.B. 1949; New York U., LL.B. 1957.
Military Service: Naval Reserve, 1944-46.
Occupation: Lawyer.
Family: Wife, Mary Ann Knauss: four children.
Religion: Episcopalian.
Political Career: Republican nominee for U.S. House, 1966.
Capitol Office: 2269 Rayburn Bldg. 20515; 225-5441.

In Washington: When Fish joined the Judiciary Committee as a House freshman in 1969, he aligned with the numerous moderate Republicans on the panel who supported civil rights and other liberal social causes. Today, Fish is alone at the top, the committee's senior Republican and its sole defender of the old GOP traditions.

Having weathered this sea change during the Reagan era, Fish might have hoped for more comity with President Bush, a fellow patrician who served in the House with Fish. But the dignified New Yorker voted with Bush in the 101st Congress only slightly more often than he had voted with Reagan, and Fish was at odds with the Bush administration on several key issues before the Judiciary Committee.

Though he does not often agree with the aggressively conservative GOP bloc on Judiciary, Fish maintains their trust largely on the strength of his good word and decency. They appreciate his willingness to free the committee staff to pursue the party line on key issues, rather than his own view.

Since the late 1980s, when the conservative social agenda stalled in Congress and other issues began moving to the fore, Fish has played an important role in legislative bargaining. Democrats have long looked to him to give their proposals at least a veneer of bipartisanship, and to influence the votes of the two dozen or so Republicans ideologically compatible with Fish.

In mid-1990, after seven months of marathon negotiations, Fish helped craft a compromise package that cleared the way for approval of legislation to extend civil rights protections to the disabled. He brought together the chairman and ranking member of the subcommittee working on the bill — California Democrat Don Edwards and Wisconsin Republican F. James Sensenbrenner Jr. — as well as representatives of small businesses and the disabled to craft a deal on the Americans with Disabilities Act.

The package they negotiated included six amendments, three sought by each group. Some of the changes were clarifications: Business interests wanted to ensure that actions against "anticipatory discrimination" extended only to situations where a building was about to be erected. Other changes were seemingly innocuous: The disabled wanted a guarantee that professional licensing examinations be held in accessible locations. But the package helped cement the deal. Congress overwhelmingly approved the ADA and it was signed into law.

Fish's pivotal role was plainly evident in the 100th Congress' debate on amending the Fair Housing Act, which had been at a partisan impasse for nearly a decade. Despite widespread agreement that the Department of Housing and Urban Development (HUD) needed more authority to enforce the law, no consensus could be reached on how to achieve that goal. In 1988, the Judiciary Committee approved a bill, with Fish's support, to set up a new system of administrative law judges to hear cases of alleged discrimination. But debate over whether this would subject a defendant to fines without benefit of a jury trial was so contentious that the bill appeared doomed.

Fish, however, initiated negotiations between civil rights advocates and Democrats on the left, and Realtors and the Reagan administration on the right. After more than six weeks of talks, the two sides agreed to allow either HUD or the alleged discriminator to opt for a full jury trial. This breakthrough ensured House passage; the bill was signed into law soon afterward.

Prior to taking over the senior GOP position on the full committee in 1983, Fish held the ranking post on the Immigration Subcommittee. His expertise in immigration dates to the 1950s, when he was a foreign service officer stationed in Dublin, Ireland. During the major immigration debates of the 1980s, he was not a primary GOP strategist, but he lent assistance without upstaging the lead sponsors.

This was again the case during 1990 consideration of revising the law governing legal immigration, an issue that had been deadlocked for more than 20 years. Fish brought together GOP Sen. Alan K. Simpson, who wanted a

New York 21

Hudson Valley — Poughkeepsie

As a Depression-era House member, Hamilton Fish Sr. was a furious opponent of the New Deal. He used to infuriate Franklin D. Roosevelt all the more because he was FDR's congressman — the Roosevelt family home at Hyde Park was part of the Fish constituency.

The 1980s redistricting severed that link with history by removing Hyde Park from the 21st. But the district has changed very little in partisan terms. Most of the communities that returned the elder Fish to Washington are as solidly Republican as they were 50 years ago. The only real difference is in ideology. The current constituency is far closer to the moderate politics of the current Rep. Fish than to those of his conservative father (who died in 1991).

The 21st starts in the New York suburbs of upper Westchester County, where moderate GOP politics gets a good response from "Rockefeller Republicans" in Bedford and other comfortable towns. To the north, the subdivisions of Putnam County are also wellsprings of GOP votes; Putnam gave 66 percent of its vote to George Bush in 1988.

The still-rural northern parts of Putnam give way to similar terrain in Dutchess County, a Republican territory stretching from the Hudson River to the Connecticut border that is dotted with country mansions.

Poughkeepsie, with 30,000 residents, is the district's best-known city. An important river port and conduit for Dutchess County farm products in the late 18th and early 19th centuries, Poughkeepsie today relies more heavily on electronics equipment and agricultural machinery. The Dutchess County seat is a blend of ethnic Democrats and academics from Vassar College.

Dutchess County also includes Beacon, whose population has rebounded modestly in recent years after a long-term decline caused by the loss of its hat industry. Directly across the Hudson, in Orange County, is the struggling city of Newburgh, which has also suffered a long-term industrial decline. More picturesque is the campus of the U.S. Military Academy at West Point, located on a series of hills overlooking the Hudson.

Environmental concerns animate the politics of this district on the fringe of a vast New York metropolitan region. The Hudson River gentry united in the early 1970s to stop a planned hydropower project at Storm King. And controversy plagues the nuclear power complex at Indian Point on the Hudson. Often shut down due to technical problems, the plant sits atop a geological fault line 35 miles from New York City.

Population: 516,778. White 471,247 (91%), Black 34,028 (7%), Other 5,336 (1%). Spanish origin 15,971 (3%). 18 and over 365,060 (71%), 65 and over 53,214 (10%). Median age: 31.

ceiling on overall immigration, and House members, who defended previous law that placed no cap on the number of immigrants who were joining family members who were U.S. citizens. The bill, which was approved in the waning hours of the 101st Congress, sets a limit of 675,000 immigrants a year beginning in 1994, and it established a formula for admission of family members, giving preference to spouses, parents and children.

Striking a deal on the highly controversial 1990 Civil Rights Act might have been an impossible feat, and Fish was not visible in efforts to negotiate an agreement between the bill's advocates, who said it was needed to protect women and minorities, and its detractors, who said it would lead to hiring quotas. Fish was one of just two Republicans to support the bill in committee, and one of just 34 Republicans to back it on the floor, but — perhaps mindful of the fierce resistance to the measure among GOP conservatives — his support was not very high-profile. The bill died after the Senate fell one vote short of overriding Bush's veto. If the partisan bickering cools on the politically charged measure, Fish might find a mediator's role.

In the 100th Congress, he was among those credited with engineering an approval vote and subsequent veto override of the *Grove City* bill, which reversed the Supreme Court ruling narrowing the enforcement scope of four key civil rights laws.

Fish finds common ground with his conservative GOP colleagues on issues involving Justice Department operations, as well as on matters of copyright and antitrust law. Fish is ranking Republican on Judiciary's Economic and Commercial Law Subcommittee; in the 101st Congress, he was among the critics of "vertical" price-fixing legislation, which consumer groups said was needed to prohibit manufacturers from setting a minimum retail price. Fish termed the bill too broad and said a manufacturer could be sued even if it had good reason to end a supply agreement. No compromise could be worked out, and the bill died.

Against the grain of recent Republican

orthodoxy, Fish has long been a firm supporter of the Equal Rights Amendment. But when Democrats tried to bring the ERA to the floor in 1983 under a fast-track procedure barring amendments and providing less than an hour of debate, Fish balked. He denounced the move as a political gimmick designed to frustrate legitimate discussion, and he voted against it. That defection was a key setback for ERA advocates; the measure failed by six votes.

At Home: Fish came to the House with one of the most impressive pedigrees in politics. His great-grandfather Hamilton Fish was governor of New York, U.S. senator and secretary of state. His grandfather Hamilton Fish was a U.S. representative. And his father, also Hamilton Fish, spent 24 years in the House arguing for American business and against President Franklin D. Roosevelt's New Deal.

The current Rep. Fish had long been engaged in civic activities on his ancestral turf of Dutchess County when an opportunity came to run for the House in 1966. Historically Republican, the district had gone Democratic in 1964, and the GOP was eager to retake it.

Fish engaged in a highly publicized "patrician primary" against Alexander Aldrich, cousin of Gov. Nelson A. Rockefeller. Fish won, but was beaten in November by the Democratic incumbent, Joseph Y. Resnick.

In 1968 Resnick ran for the Senate. Fish won his primary against a then-little-known lawyer, G. Gordon Liddy. Fish then won the seat, and has held it comfortably; he has not slipped below 70 percent of the vote since 1974.

In 1988, Fish's son, Hamilton Fish III, tried to extend the family's political reach by running for the 20th District in southern Westchester County. However, the youngest Fish was of a far more liberal bent — he had been publisher of *The Nation*, a liberal opinion journal — and entered the Democratic primary, aiming for GOP Rep. Joseph J. DioGuardi.

Rep. Fish greeted his son's decision with equanimity, stating that he was supportive of his personal goals even though he could not campaign for him as a member of the opposition party. But Fish's father, at age 100, denounced his grandson for his "leftist" views and his betrayal of the family's Republican roots. The family was spared a deepening of the quarrel, though; young Fish finished second in the primary to Nita M. Lowey, who went on to upset DioGuardi.

Committees

Judiciary (Ranking)
Economic & Commercial Law (ranking); Intellectual Property & Judicial Administration;

Joint Economic

Elections

1990 General		
Hamilton Fish Jr. (R)	99,866	(71%)
Richard L. Barbuto (D)	34,128	(24%)
Richard S. Curtin II (RTL)	5,925	(4%)
1988 General		
Hamilton Fish Jr. (R)	150,443	(75%)
Lawrence W. Grunberger (D)	47,294	(23%)

Previous Winning Percentages:							
1982	(75%)	**1980**	(81%)	**1978**	(78%)	**1976**	(71%)
1974	(65%)	**1972**	(72%)	**1970**	(71%)	**1968**	(48%)

District Vote For President

	1988		1984		1980		1976	
D	83,635	(38%)	71,014	(32%)	60,495	(31%)	80,741	(42%)
R	136,078	(62%)	150,345	(68%)	115,598	(59%)	110,434	(57%)
I					17,012	(9%)		

Campaign Finance

	Receipts	Receipts from PACs		Expenditures
1990				
Fish (R)	$348,209	$204,990	(59%)	$411,614
Barbuto (D)	$935	0		$729
1988				
Fish (R)	$357,841	$196,388	(55%)	$277,680

Key Votes

1991	
Authorize use of force against Iraq	Y
1990	
Support constitutional amendment on flag desecration	Y
Pass family and medical leave bill over Bush veto	Y
Reduce SDI funding	N
Allow abortions in overseas military facilities	N
Approve budget summit plan for spending and taxing	Y
Approve civil rights bill	Y
1989	
Halt production of B-2 stealth bomber at 13 planes	N
Oppose capital gains tax cut	N
Approve federal abortion funding in rape or incest cases	N
Approve pay raise and revision of ethics rules	Y
Pass Democratic minimum wage plan over Bush veto	N

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	42	51	44	47	56	41
1989	65	33	37	57	63	34
1988	37	59	37	59	58	42
1987	45	54	40	56	72	28
1986	40	56	33	60	56	38
1985	45	46	42	45	44	44
1984	50	43	38	51	53	37
1983	54	37	45	47	55	40
1982	45	44	41	51	49	44
1981	57	38	48	46	40	56

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	56	32	50	43
1989	45	41	42	70
1988	60	32	86	71
1987	44	35	44	53
1986	45	32	57	44
1985	35	40	80	55
1984	40	23	42	69
1983	20	43	29	74
1982	45	43	55	33
1981	50	57	27	78

6 Henry J. Hyde (R)

Of Bensenville — Elected 1974

Born: April 18, 1924, Chicago, Ill.
Education: Attended Duke U., 1943-44; Georgetown U., B.S. 1947; Loyola U., J.D. 1949.
Military Service: Navy, 1942-46; Naval Reserve, 1946-68.
Occupation: Lawyer.
Family: Wife, Jeanne Simpson; four children.
Religion: Roman Catholic.
Political Career: Ill. House, 1967-75, majority leader, 1971-72; Republican nominee for U.S. House, 1962.
Capitol Office: 2262 Rayburn Bldg. 20515; 225-4561.

In Washington: It is increasingly hard to recall that Hyde once was typecast as a fringe conservative interested in one issue, abortion. He has become indispensable to Republicans as a point man on defense and foreign policy, and is widely considered a viable candidate for House GOP leader, whenever fellow Illinoisan Robert Michel retires.

Hyde would be a prominent presence even if he were not a hulk of a man with a luminous white mane. No matter who is the nominal sponsor of a conservative initiative, Hyde is likely to be its most impressive spokesman, waiting for flawed liberal arguments and then pouncing with all the wit and sarcasm he once used as a Chicago trial lawyer.

Though Hyde is criticized for having more zest for argument than for the less glamorous task of legislating, he says he is simply playing the proper role of a minority party member: "If you come to understand your role is to be a gadfly, a conscience factor, and try to work some influence in committee ... if that's enough and you don't need to be chairman of a subcommittee or see your name on a bill, this can be very rewarding."

Hyde is savvy about polishing his image in the media, and he takes care not to overexpose himself. "You have to husband your pearls before you cast them profligately about the chamber," he says. At the same time, Hyde takes pleasure in argument for its own sake: "Conflict and disputation are the heart and soul of drama, the heart and soul of literature and the heart and soul of the legislative process — if we're not all to die of boredom."

That spirit may allow Hyde to emerge as House GOP leader someday. He is confrontational enough to suit the brash, younger generation of House Republicans — and certainly a kindred conservative — yet his age and background link him to the "Old Bull" Republican who typically eschews confrontation to work with Democrats on legislation.

In 1989, when Minority Whip Dick Cheney left Congress to become Defense secretary, Hyde's name was briefly floated for the job by members unhappy with both leading contenders, pragmatist Edward Madigan and ideologue Newt Gingrich. Recognizing that many potential supporters were committed, and hesitating to challenge Illinoisans Madigan and Minority Leader Robert H. Michel, a Madigan backer, Hyde quashed the idea of running for whip. A former Illinois House majority leader, he had lost his first leadership bid in 1979, when he was defeated for House GOP Conference chairman by just three votes, and he was not about to be sidetracked again. If he makes another bid, it is likely to be for the No. 1 job.

Despite his high profile on foreign policy matters in recent years, Hyde still is best known for the Hyde amendment barring federal funding of abortion, which he passed as a freshman in 1976. It was Hyde's anti-abortion crusading that brought him attention beyond the reach of most of his colleagues. Hyde's famous amendment became his by legislative fluke; he was enlisted as sponsor by Maryland Republican Robert E. Bauman, who reckoned that the unknown freshman would draw less fire than a known conservative agitator. The House passed the amendment, though the Senate modified it to allow payment for abortions to save a woman's life. At that time, the government was paying for up to 300,000 abortions a year, mostly for poor Medicaid recipients; within a few years, the number had declined to about 2,000 annually.

During the 1980s, Hyde emerged as the most passionate anti-abortion spokesman in Congress, and his amendment became a routine part of annual appropriations legislation. But that began to change in 1988, when the Senate overwhelmingly voted to allow abortion funding for rape and incest victims. The House objected, and with backing from the White House, the Senate language was turned back. But the

Illinois 6

Far West Chicago Suburbs — Wheaton

The 6th is a white-collar suburban district in which any Republican could feel at home. Taking in parts of Cook and Du Page counties, it follows the route of two commuter rail lines that drew Chicagoans westward as early as the 1930s.

The southern part of the district is made up of such established suburbs as Elmhurst, Villa Park, Lombard, Glen Ellyn and Wheaton. It is the northern part, straddling the Du Page and Cook lines, that has enjoyed a big burst of suburban growth. Schaumburg, still rural in 1960, has seen its population soar to over 68,500, as condominiums and apartment complexes filled in around the enormous Woodfield shopping center. Roselle (population 21,000) has more than doubled in size since 1970. Itasca still has a modest population, but has seen a boom in commercial development because of its location near Interstate 290 in the O'Hare Airport corridor.

In between the boom towns in the north and the affluent older cities in the south are some more modest suburban areas, where most of whatever Democratic vote the district has can be found. Glendale Heights and Addison have some light industry and a blue-collar population. An industrial park is located near Elk Grove Village, another fast-growing suburb to the north. Bensenville, which years ago attracted migrant workers drawn by the farms of the area, still has a small Hispanic community.

On its northeastern border, the 6th hooks over to take in the older, prosperous suburbs of Des Plaines and Park Ridge. Des Plaines adjoins O'Hare, which is still the world's busiest airport, and is home to many airline employees.

Population: 519,015. White 494,144 (95%), Black 4,321 (1%), Other 14,812 (3%). Spanish origin 15,155 (3%). 18 and over 367,916 (71%), 65 and over 38,548 (7%). Median age: 30.

episode foreshadowed congressional setbacks for Hyde's cause in the 101st Congress.

Abortion foes found themselves on the defensive after the Supreme Court's 1989 *Webster* decision upheld state restrictions on access to the procedure. The first post-*Webster* House vote on abortion came in mid-1989 on the District of Columbia funding bill. For the first time in nine years, the House approved language to permit abortion funding in cases of rape and incest. The vote came as a surprise to all sides, and abortion foes attributed their defeat in part to the absence of Hyde, who was recuperating from prostate surgery.

When the issue came up weeks later during consideration of the Labor, Health and Human Services funding bill, Hyde was back, but there was little he could do to turn the tide. Congress approved the funding; only a presidential veto kept it from becoming law. "This debate is not about forcing people to have children, " he thundered before the House sustained the veto. "It is [about] forcing taxpayers to pay for the extermination of unborn children."

Comments such as that reflect the biting edge Hyde can put on his rhetoric. Though he is most often recognized for his erudite conservatism, his words occasionally foster the fringe image he has worked to shed. In 1990, when the Judiciary Committee was debating whether to cap damages awarded to victims of on-the-job harassment at $30,000, opponents of the limit cited the case of a Texas woman whose co-workers had repeatedly flashed their bare behinds at her. Hyde called the amendment to the civil rights bill fair, and angered many observers with his retort, "Someone can show me their buttocks all day long if I can get $30,000 per view."

Another quip nearly resulted in fisticuffs at the end of the 101st Congress, when nerves were frayed by endless budget negotiations. Angry over a sarcastic floor statement by liberal Barney Frank, Hyde suggested that the Massachusetts Democrat didn't know what he was talking about because he had been in the "gymnasium doing whatever he does in the gymnasium." The comment referred to an unsubstantiated charge by a male prostitute that he had had sex with Frank in the gym. After Hyde and Democrat Craig Washington of Texas came near to a scrap over the comment, Hyde publicly apologized to Frank and asked that his remark be stricken from the record.

For all the intensity of his conservatism, Hyde is not always ideologically predictable. He often forms odd-couple alliances with liberal House Democrats; for example, Hyde has cosponsored several measures with Henry A. Waxman to expand Medicaid coverage to more poor women and children. And in the 101st Congress he cosponsored legislation with Democrat Barbara Boxer, who authored the amendment undoing the Hyde amendment in 1990, to prohibit commercial surrogate mother contracts.

Hyde's votes can surprise his colleagues. In 1990, he voted to override Bush's veto of the Family and Medical Leave Act; earlier he had also helped lead the fight against a proposal to bar strikes by Legal Services Corporation lawyers, arguing that they had a constitutional right to strike. He also opposed a bill against child pornography, contending that it might be unconstitutional.

Although still the leader of the conservative forces on the Judiciary Committee, Hyde has devoted equal attention to the Foreign Affairs Committee, and, from 1985 through 1990, to the Intelligence panel. The ranking Republican on the latter in the 101st Congress, Hyde rotated off Intelligence after serving the maximum three terms.

During the 100th Congress, he was a member of the special Iran-contra investigating committee — where he emerged as President Reagan's leading defender. Hyde orchestrated the Republican strategy of using the hearings to promote Reagan's contra policy. He rarely questioned witnesses, instead favoring one-liners and long speeches. Hyde once asked a question, then told the witness, "I'd rather answer it myself," and did so.

Throughout the hearings Hyde derided the law against aiding the contras as "murky." And while he agreed the administration should not have lied to Congress, he implied Congress asked for it because of past leaks. He has been a zealot on the issue of secrecy since 1988, when he demanded an investigation after Speaker Jim Wright told reporters the CIA was fomenting unrest in Nicaragua. He accused Wright of leaking classified information, all the while denying such information existed. In an attempt to stop the alleged leaks, Hyde unsuccessfully promoted a bill during the 101st Congress to require members of the Intelligence panel to take an oath of secrecy.

A more successful foreign policy initiative during the 101st Congress grew out of the Iran-contra hearings: a new law to tighten controls on arms sales linked to terrorism. The author with California Democrat Howard L. Berman of a 1986 law requiring congressional notice of arms sales to terrorist nations, Hyde had criticized Reagan for not informing Congress about arms sales to Iran. In late 1989, a new Berman-Hyde measure to close the loopholes that allowed those sales was approved.

Release of Oliver North's notebooks in July 1990 caused a few uncomfortable moments for Hyde and three other House Republicans. The former National Security Council aide, who was found guilty of three felony charges in the case, had noted that the four members were briefed in 1985 about third-country efforts to aid the contras. Hyde had lamented after the reports of illegal aid to the contras that he was "in a considerable quandary, because I think saving the contras ... is a transcendent task. [But] the law is important, too."

While North wrote, "Hyde felt that we should expand private-sector and third-country assistance," Hyde said he had no recollection of the matter being discussed. "But even it if was, it wasn't illegal," he said.

Hyde is often noted for his appreciation of a worthy adversary. But at times in recent years, his intense feelings on foreign policy, especially contra aid, have made him less charitable toward those who disagree with him. He even has had harsh words for fellow Catholics who oppose U.S. policies in Central America, denouncing the "liberal clergy, the trendy vicars, the networking nuns."

In 1989, when President Bush quickly compromised with Democrats on a contra package limited to non-military aid, a disappointed Hyde said backing the plan was like chemotherapy: "It makes you sick to take it, but it just might save your life."

Hyde's quick and memorable ripostes can make for some effective sloganeering. He led the opposition in the early 1980s to a nuclear-weapons freeze, deriding it as "government by bumper sticker." The House passed a weakened freeze resolution in 1983, but Hyde was among those who turned a potent Democratic rallying point into a resolution without significance. In opposing a 1986 nuclear test-ban resolution, Hyde said, "If this is in our interest, I can't figure out why Gorbachev wants it."

Prominent in Hyde's office are both a bust and a portrait of St. Thomas More, the 16th-century English lord chancellor and Catholic martyr. By way of explaining, Hyde notes that More is the patron saint of lawyers, and a man who gave his life for his principles. More's career also reflected a mix of the secular and the religious that marks Hyde's own.

While Hyde believes it is appropriate to debate the morality of a public-policy decision, whether abortion or arms control, he tries to resist judging the morality of individuals.

In 1983 he opposed conservatives' motion to expel Illinois Republican Daniel B. Crane for sexual misconduct with a House page. "The Judeo-Christian tradition says, 'Hate the sin, love the sinner,' " Hyde said. "We are on record as hating the sin, some more ostentatiously than others. I think it is time to love the sinner." He also tried to help Bauman when his old ally in the abortion debate was defeated in 1980 after admitting to alcoholism and homosexuality; Hyde called numerous House Republicans, asking them to help find work for a fellow conservative who had suffered enough.

In 1990, however, he joined a majority of Republicans to reject the recommendation of the ethics committee that Frank be reprimanded for misuse of his office in connection with his involvement with the male prostitute. The GOP was unsuccessful in its effort to have Frank censured.

At Home: Hyde grew up as an Irish Catholic Democrat in Chicago, but began having doubts about the Democratic Party in the late 1940s. By 1952, he had switched parties and backed Dwight D. Eisenhower in his run for president.

After practicing law in the Chicago area for more than 10 years and serving as a Republican precinct committeeman, Hyde was chosen by the party organization in 1962 to challenge Democratic Rep. Roman Pucinski in a northwest Chicago House district. A Republican had represented the heavily ethnic district before Pucinski won it in 1958, and Hyde came within 10,000 votes of taking it back for the GOP.

Elected to the Illinois House in 1966, he was one of its most outspoken and articulate debaters. In 1971 Hyde became majority leader; he unsuccessfully ran for Speaker in 1973.

In 1974, longtime GOP Rep. Harold Collier retired from the suburban 6th District just west of Chicago. Much of the 6th was unfamiliar to Hyde, but he dominated the six-man GOP primary anyway.

The general election was tougher. Hyde's Democratic opponent was Edward V. Hanrahan, a former Cook County state's attorney. Hanrahan had been indicted for attempting to obstruct a federal investigation into a 1969 incident in which Chicago policemen, attached to his office, killed two Black Panther Party leaders. Hanrahan was acquitted but he was beaten for re-election in 1972.

Although Hanrahan's past exploits had made him a sort of folk hero among local blue-collar ethnics, he could not keep pace with Hyde in fund raising, organizing or personal campaigning. The Democrat used his record of antagonism to the Daley machine to tout his independence, but traditional sources of party funding were dry for him.

On Election Day, Hyde's superior resources won out. Using telephone banks and an army of precinct workers, his staff turned out enough voters to give him an 8,000-vote plurality over Hanrahan while GOP districts nationwide were falling to Democrats.

Hyde has since been invincible. The 1981 redistricting gave him an almost all-new constituency; an aggressive primary rival from the new area might have made Hyde work to hold the redrawn district. But no Republican bothered to challenge Hyde in 1982; by 1984 no one dared. He has swamped his Democratic opposition: The 67 percent of the vote Hyde received in 1990 was his lowest tally since 1980.

Committees

Foreign Affairs (8th of 18 Republicans)
Arms Control, International Security & Science; Human Rights & International Organizations

Judiciary (3rd of 13 Republicans)
Civil & Constitutional Rights (ranking)

Elections

1990 General

Henry J. Hyde (R)	96,410	(67%)
Robert J. Cassidy (D)	48,155	(33%)

1988 General

Henry J. Hyde (R)	153,425	(74%)
William J. Andrle (D)	54,804	(26%)

Previous Winning Percentages: **1986** (75%) **1984** (75%) **1982** (68%) **1980** (67%) **1978** (66%) **1976** (61%) **1974** (53%)

District Vote For President

	1988		1984		1980		1976	
D	67,356	(31%)	52,170	(24%)	51,049	(25%)	72,192	(33%)
R	147,387	(69%)	166,170	(76%)	126,318	(63%)	142,229	(65%)
I					21,069	(11%)		

Campaign Finance

	Receipts	Receipts from PACs		Expenditures
1990				
Hyde (R)	$302,541	$130,648	(43%)	$270,435
Cassidy (D)	$1,520	0		$1,055
1988				
Hyde (R)	$303,395	$121,453	(40%)	$281,229
Andrle (D)	$27,274	$10,600	(39%)	$26,555

Key Votes

1991

Authorize use of force against Iraq	Y

1990

Support constitutional amendment on flag desecration	Y
Pass family and medical leave bill over Bush veto	Y
Reduce SDI funding	N
Allow abortions in overseas military facilities	N
Approve budget summit plan for spending and taxing	N
Approve civil rights bill	N

1989

Halt production of B-2 stealth bomber at 13 planes	?
Oppose capital gains tax cut	N
Approve federal abortion funding in rape or incest cases	N
Approve pay raise and revision of ethics rules	N
Pass Democratic minimum wage plan over Bush veto	N

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	68	31	78	18	81	15
1989	66	16	58	12	61	10
1988	70	28	84	10	92	8
1987	65	32	76	18	86	9
1986	76	21	75	18	80	20
1985	71	19	75	17	85	9
1984	71	25	79	15	88	7
1983	89	10	83	15	88	12
1982	75	17	79 †	19 †	86	8
1981	79	20	77	19	81	16

† *Not eligible for all recorded votes.*

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	11	88	17	64
1989	5	95	10	89
1988	15	92	14	100
1987	12	96	6	100
1986	5	90	7	75
1985	15	81	21	74
1984	10	88	8	87
1983	5	86	0	95
1982	15	85	11	81
1981	10	93	7	94

21 Lamar Smith (R)

Of San Antonio — Elected 1986

Born: Nov. 19, 1947, San Antonio, Texas.
Education: Yale U., B.A. 1969; Southern Methodist U., J.D. 1975.
Occupation: Lawyer; rancher.
Family: Widowed; two children.
Religion: Christian Scientist.
Political Career: Bexar County Republican Party chairman, 1978-81; Texas House, 1981-82; Bexar County Commission, 1983-85.
Capitol Office: 422 Cannon Bldg. 20515; 225-4236.

In Washington: Smith represents a solidly conservative suburban-and-rural constituency that does not put a lot of pressure on him to make new laws. But he does put that pressure on himself. He is in a position to hold the 21st for a long time, and he has made it clear he wants to produce more than just a voting record during his stay in the House.

Like many Texans, Smith has an interest in immigration, and he was in a better position than most to look into such issues as ranking Republican on the Immigration Subcommittee in the 101st Congress. Smith is concerned that higher immigration would increase joblessness, reduce wages and increase crime. "If you favor increasing immigration," he said, "you have to take responsibility for the consequences."

When the House passed its immigration measure in 1990 it rejected a number of Smith amendments. Smith sought to limit total immigration to 630,000 a year, the limit set in the Senate bill and favored by the White House. Another Smith amendment that was rejected would have ordered increased federal funds to states to pay for the education and health costs for newly legalized aliens.

Smith did support a number of provisions ultimately included in the legislation, such as streamlining the deportation process for criminal aliens; granting immigration officials greater arrest authority; and adding 20 new judges to speed deportation hearings.

Smith came to Washington in 1987 also voicing concerns about ethical standards in Congress. In particular, he wanted to restrict the lobbying activities of former members of Congress — the so-called revolving-door problem — and he cosponsored legislation with Democratic Rep. Barney Frank of Massachusetts to bring that about. The bill cleared Congress, but was later killed by President Reagan. A similar bill slowing the revolving door was ultimately enacted as part of the pay-and-ethics package cleared at the end of 1989.

Smith takes pride in having passed a bill of his own in his first term, and while it was not a major deed, it did signal his desire to move legislation. The bill authorized the Park Service to accept the donation of a 67,000-acre ranch next to Texas' Big Bend National Park.

At Home: If Smith's Yale background and polished manner are not the first things you would expect from a West Texas pol, he has made them work for him. When the 21st was open in 1986, he aggressively courted rural voters; his two re-elections have been non-events.

Smith spent a year in the Texas House and two years on the Bexar County Commission, representing San Antonio suburbs. In 1985, when GOP Rep. Tom Loeffler announced plans to leave the 21st for a gubernatorial campaign, Smith announced his candidacy immediately.

Smith was the moderate in the GOP House runoff against Van Archer, a San Antonio city councilman. Smith finished first by a modest margin in the initial GOP primary and took 53 percent of the runoff vote against Archer.

In the primary and runoff, Smith had to overcome questions about his support of legal abortion (Archer opposed it) and his affiliation with Christian Science. Critics said his religion would prevent him from voting for medical care appropriations — a problem in a district where a medical equipment company is the largest private employer.

But Smith dealt successfully with these problems, and benefited from contacts he made in three years as Bexar County Republican chairman. He had the active support of U.S. Sen. Phil Gramm, for whom he had organized Bexar County in the 1984 campaign.

His Democratic opponent was former state Sen. Pete Snelson, whose political base in Midland, at the western end of the district, positioned him to play to lingering rural perceptions of Smith as an elitist, big-city lawyer.

But Snelson was plagued by debt from previous campaigns. Smith cast himself as fiscally more conservative and signed a no-tax-increase pledge. He won San Antonio and Midland, overcoming Snelson's rural support.

Texas 21

San Antonio Suburbs; San Angelo; Midland

Spanning 26 whole counties and part of another, the 21st extends from the suburbs of San Antonio 500 miles west across Texas ranch land to the Mexican border. Republicans are not the majority party by registration, but strong GOP candidates run well nearly everywhere in the district.

More than a quarter of the vote is cast in Bexar County, much of that in a predominantly white-collar portion of northern San Antonio that is the 21st's largest population center. These strongly Republican, upper-income suburbanites are the sort of people who gave Lamar Smith his start in local politics.

Across the district from San Antonio lies another Republican redoubt — Midland County. The city of Midland is the white-collar administrative center for the vast oil fields of the Permian Basin in West Texas; scores of oil companies maintain offices here. Despite the oil industry's woes, Midland County's faith in the GOP has not wavered; it gave Republican Rep. Beau Boulter 63 percent of Midland's vote in his 1988 Senate challenge to Lloyd Bentsen.

Slightly larger and somewhat less Republican than Midland is San Angelo (Tom Green County), also in the northern part of the 21st. The city bills itself as "the sheep and wool capital" of the nation and is a center for cattle, goat and sheep raising and wool processing.

There are few other population centers; the dry range land of the rural counties is best suited to grazing and oil drilling. Unlike most other rural parts of the old Confederacy, this area has a long tradition of supporting Republicans that stems from the anti-slavery Germans who settled it in the mid-1800s.

Hispanics are nearly 25 percent of the district's population. Most favor Democrats, but their turnout rate is low.

Population: 526,846. White 469,790 (89%), Black 15,213 (3%), Other 4,132 (1%). Spanish origin 100,455 (19%). 18 and over 381,130 (72%), 65 and over 63,596 (12%). Median age: 31.

Committees

Judiciary (9th of 13 Republicans)
Economic & Commercial Law; International Law, Immigration & Refugees

Science, Space & Technology (11th of 19 Republicans)
Energy; Space

Select Children, Youth & Families (5th of 14 Republicans)

Elections

1990 General		
Lamar Smith (R)	144,570	(75%)
Kirby J. Roberts (D)	48,585	(25%)
1988 General		
Lamar Smith (R)	203,989	(93%)
James A. Robinson (LIBERT)	14,801	(7%)

Previous Winning Percentages: 1986 (61%)

District Vote For President

	1988	1984	1980	1976
D	78,971 (29%)	56,785 (22%)	53,079 (28%)	60,148 (37%)
R	192,335 (71%)	200,152 (78%)	131,809 (69%)	99,127 (62%)
I			4,644 (2%)	

Campaign Finance

	Receipts	Receipts from PACs		Expenditures
1990				
Smith (R)	$679,487	$130,230	(19%)	$399,059
Roberts (D)	$15,763	$43	(0%)	$15,732
1988				
Smith (R)	$567,737	$97,832	(17%)	$418,989

Key Votes

1991	
Authorize use of force against Iraq	Y
1990	
Support constitutional amendment on flag desecration	Y
Pass family and medical leave bill over Bush veto	Y
Reduce SDI funding	N
Allow abortions in overseas military facilities	N
Approve budget summit plan for spending and taxing	N
Approve civil rights bill	N
1989	
Halt production of B-2 stealth bomber at 13 planes	N
Oppose capital gains tax cut	N
Approve federal abortion funding in rape or incest cases	N
Approve pay raise and revision of ethics rules	Y
Pass Democratic minimum wage plan over Bush veto	N

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	68	31	82	13	91	6
1989	80	14	85	8	95	2
1988	66	32	91	7	97	0
1987	74	25	81	14	95	2

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	11	83	25	86
1989	0	93	0	100
1988	5	100	23	92
1987	0	96	6	93

4 Craig T. James (R)

Of DeLand — Elected 1988

Born: May 5, 1941, Augusta, Ga.
Education: Stetson U., B.S. 1963, J.D. 1967.
Military Service: Army National Guard, 1963-66; Army Reserve, 1966-69.
Occupation: Lawyer; businessman.
Family: Wife, Katherine Folks.
Religion: Baptist.
Political Career: No previous office.
Capitol Office: 1408 Longworth Bldg. 20515; 225-4035.

In Washington: James, who had been to Washington, D.C., only twice before his 1988 election, came across during his freshman House term as a feisty and prickly outsider not shy about speaking his mind or worried about fitting into "the club." He denounced pay raises for members, proposed barring former members from becoming lobbyists directly after leaving office and supported term limits, saying membership in the House "is not supposed to be a professional office."

But if charm is not James' long suit in Washington, voters in his 4th District were sufficiently satisfied with his performance to give him a solid re-election victory over a wealthy Democratic challenger.

James had become a top target of abortion rights groups after he seemed to suggest at a 1989 committee hearing that pregnant women may be too emotionally unstable to decide whether to have an abortion. "That is probably the most confusing point of any woman's life regardless of her economic or social status," James said. He also suggested that legalized abortion has led to greater promiscuity in women and has increased their exposure to AIDS.

James' overall voting record is generally conservative and strongly pro-business (the U.S. Chamber of Commerce gave him a perfect score for 1989). But he also wins moderately strong environmental ratings and voted to require a waiting period for handgun purchases.

James got some unusual publicity in 1990 during Judiciary Committee work on reauthorizing the Legal Services Corporation (LSC). During a subcommittee hearing, James questioned a witness about an LSC suit filed on behalf of migrant workers against a fern grower in his district — but without disclosing that he is co-owner of a family fernery. James, who was then ranking Republican on the subcommittee overseeing the legal aid agency, later recused himself from votes affecting the LSC.

At Home: James, who switched to the Republican Party to run for Congress in 1988, scored one of that year's biggest upsets over a longtime Democratic incumbent dogged by ethical questions. Democrats hoped to reclaim the seat in 1990, but James survived a nasty campaign to keep the 4th in GOP hands.

In 1988, Democrats initially had few worries about re-electing Bill Chappell Jr., a pro-defense "Boll Weevil" who had drawn bipartisan support. But when summer brought news of Pentagon procurement irregularities, Chappell, chair of the Defense Appropriations Subcommittee, also drew unfavorable press scrutiny for his ties to Pentagon contractors.

James had no background in elective office, but his involvement in some well-publicized legal cases had earned fans who saw him as an advocate of taxpayers and critics who felt he was a conservative gadfly. In 1982, James led a successful effort to block a $40 million bond issue for a new jail in Volusia County (Daytona Beach); a less expensive jail was later built.

James made ethics the centerpiece of his campaign against Chappell. He also benefited from a strong Republican year statewide, and from a general anti-politician mood in north Florida. He won by just 791 votes.

Democrats contended that James' 1988 win was a fluke, but were unable to rally around a challenger in 1990. Reid Hughes, a wealthy former oil distributor and environmental activist, was the eventual winner of a bruising three-way Democratic primary in September.

In the general election, Hughes spent more than $400,000 of his own money to stress his abortion rights position and slam James for accepting substantial political action committee donations, despite having faulted Chappell for special-interest contributions in the 1988 race. One Hughes television ad showed a dog scratching itself while an announcer warned, "You lie down with dogs, you get up with fleas."

But James revived charges, first made in the primary, that Hughes had sold leaky gasoline tanks and was using "oil money to spread lies about Craig James." James' views on term limits and the congressional pay raise helped him rebut charges that he had become a Washington insider. He won with 56 percent.

Florida 4

Northeast — Daytona Beach

Daytona's beach at low tide is as wide as a superhighway, and the clutter sometimes makes it look like one. Ever since Florida's population began to boom in the 1950s, Daytona Beach has been the most popular resort on the state's east coast for vacationers who do not want to bother making a long trip down the peninsula.

Though the winter weather is sometimes cool, the city woos winter visitors from Canada, and the Daytona International Speedway schedules its Daytona 500 auto race in February to lure tourists.

Parts of Daytona, however, are less than elegant. The boardwalk and some of the city's motels built in earlier boom days are reaching middle age, and competition from neighboring beaches — and from inland tourist attractions such as Walt Disney World — has stepped up in recent years. Although Daytona's population increased by 14 percent in the 1980s, the rate of growth in Ormond Beach, just to the north, was much more substantial.

Flagler County, a few miles farther north, grew by 163 percent from 1980 to 1990. The boom has been fed by an influx of retirees to the area around Palm Coast.

Because of stiff competition from the nearby metropolitan areas of Jacksonville and Orlando, Daytona's success at attracting new jobs in recent years has been only modest, by Florida standards. Two of the largest employers are General Electric and Associated Coca-Cola Bottling Inc.

Daytona Beach and surrounding Volusia County cast about half the district vote. Although this was reliable Democratic territory for many years, Republicans recently have made significant inroads. A strong Baptist influence has helped give the district a conservative tilt.

Moving north from Volusia, the 4th flanks the St. Johns River as it flows toward Jacksonville and the Atlantic. On the coast, Spanish-founded St. Augustine trades on its tourist-drawing claim of being "the nation's oldest city"; inland, Palatka's economy and air quality bear the stamp of the large Georgia-Pacific paper mill there.

The southeast corner of Duval County, home to about one-fifth of the district's people, is in the 4th. It is a mostly white-collar, suburban-style area that supplies workers to downtown Jacksonville's offices.

Population: 512,672. White 451,306 (88%), Black 55,840 (11%), Other 3,602 (1%). Spanish origin 8,693 (2%). 18 and over 385,967 (75%), 65 and over 86,302 (17%). Median age: 35.

Committees

Judiciary (10th of 13 Republicans)
Intellectual Property & Judicial Administration; Economic & Commercial Law; International Law, Immigration & Refugees

Select Aging (18th of 27 Republicans)
Health & Long-Term Care

Veterans' Affairs (8th of 13 Republicans)
Hospitals & Health Care; Oversight & Investigations

Elections

1990 General		
Craig T. James (R)	120,804	(56%)
Reid Hughes (D)	95,293	(44%)
1988 General		
Craig T. James (R)	125,608	(50%)
Bill Chappell Jr. (D)	124,817	(50%)

District Vote For President

	1988		1984		1980		1976	
D	92,862	(36%)	75,495	(33%)	90,665	(40%)	101,649	(54%)
R	161,656	(63%)	151,283	(67%)	125,277	(56%)	85,485	(45%)
I					7,114	(3%)		

Campaign Finance

	Receipts	Receipts from PACs	Expenditures
1990			
James (R)	$643,579	$211,951 (33%)	$634,891
Hughes (D)	$1,073,878	$103,400 (10%)	$1,067,366
1988			
James (R)	$314,634	$7,295 (2%)	$313,415
Chappell (D)	$955,540	$421,450 (44%)	$1,069,699

Key Votes

1991	
Authorize use of force against Iraq	Y
1990	
Support constitutional amendment on flag desecration	Y
Pass family and medical leave bill over Bush veto	N
Reduce SDI funding	N
Allow abortions in overseas military facilities	N
Approve budget summit plan for spending and taxing	N
Approve civil rights bill	Y
1989	
Halt production of B-2 stealth bomber at 13 planes	N
Oppose capital gains tax cut	N
Approve federal abortion funding in rape or incest cases	N
Approve pay raise and revision of ethics rules	N
Pass Democratic minimum wage plan over Bush veto	N

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	58	41	83	16	94	4
1989	69	30	87	13	95	5

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	17	71	8	79
1989	0	89	8	100

12 Tom Campbell (R)

Of Stanford — Elected 1988

Born: Aug. 14, 1952, Chicago, Ill.
Education: U. of Chicago, B.A., M.A. 1973, Ph.D. 1980; Harvard U., J.D. 1976.
Occupation: Professor of economics; federal official; lawyer.
Family: Wife, Susanne Martin.
Religion: Roman Catholic.
Political Career: No previous office.
Capitol Office: 313 Cannon Bldg. 20515; 225-5411.

In Washington: An intellectually gifted professor who already knew his way around Washington when he came to Congress, Campbell tackled his first House term with characteristic self-confidence, plunging right into issues of concern to his high-tech, Silicon Valley constituency.

Campbell's aplomb, coupled with his moderate politics, stirred early talk of his potential to succeed as a legislative activist in the Democratic-controlled House. But Campbell instead hopes to take his talents to the Senate; early in his second term, he said he would try to move up in 1992.

As a House freshman, Campbell got a seat on the Science, Space and Technology Committee and weighed into the trade and competitiveness debate with two proposals. One sought to relax antitrust restrictions on some American industries, particularly high-tech firms, so they could pool some production resources and better keep pace with foreign competitors.

Another Campbell proposal was to require the United States to treat a foreign investor in the same manner that U.S. investors are treated in the foreigner's home country.

Campbell does not follow a straight ideological line. He is conservative on many economic issues, but supports abortion rights and environmental causes. The League of Conservation Voters has rated his voting record as perfect, and he has introduced legislation to give states more control over offshore oil drilling.

Campbell, who also sits on the Judiciary Committee, splits with many conservatives in the debate on civil rights legislation. He cosponsored a measure to reverse the effects of a Supreme Court ruling that made it harder to sue for job discrimination, and he voted for the 1990 Civil Rights Act, which was vetoed by President Bush. In the 102nd Congress, Campbell added a seat on the Banking Committee to his portfolio.

At Home: Campbell's first House victory was a bold stroke. He was one of only seven challengers to defeat a House incumbent in 1988, and the only one to unseat a member of his own party in a primary. After fending off a tough Democratic opponent that November, Campbell won with ease in 1990.

Campbell has always been an overachiever. He earned a Harvard law degree and a doctorate in economics from the University of Chicago before his 28th birthday. The son of a federal judge, Campbell was a law clerk for Supreme Court Justice Byron R. White. In 1980, he won a White House fellowship, then held several positions in the Reagan administration, including the post of director of the Federal Trade Commission's Bureau of Competition.

In 1983, Campbell moved to the 12th to teach at Stanford. In 1988, he challenged one-term GOP Rep. Ernie Konnyu. Konnyu had won the seat rather easily in 1986, succeeding GOP Rep. Ed Zschau, who lost a Senate bid.

But Konnyu's election did not thrill many Republicans. Zschau, a high-tech entrepreneur, was the kind of moderate Republican favored by Silicon Valley's affluent electorate.

Konnyu was a conservative activist in the state Assembly who won the 1986 House primary over two Republicans more typical of the district.

Campbell said his concern that Konnyu's hard-right posture would weaken the district's high-tech, tax and trade agenda motivated his challenge. His chances improved when *The San Jose Mercury-News* wrote articles detailing Konnyu's staff turnover and accusations of his boorish behavior toward women.

Campbell gained impressive backing for a primary challenger. Zschau, previous incumbent Paul N. McCloskey Jr. and former Deputy Secretary of Defense David Packard all supported him. Although the party officially supported Konnyu, Campbell was able to compete financially. He prevailed with 58 percent.

District Democrats nominated a capable candidate, San Mateo County Supervisor Anna G. Eshoo. The well-organized Eshoo spent more than $1 million, but Campbell spent more. Holding a series of "town hall" meetings and relying on the district's GOP leanings, Campbell won with 52 percent.

California 12

Parts of San Mateo and Santa Clara Counties

Used primarily by Democratic cartographers as a "dumping ground" for Republican votes in the 1980s round of redistricting, the 12th is dominated by a variety of towns with little in common except affluence and Republican inclination. The 12th has the highest median real-estate values in California.

Yet moderate voting tendencies guide many of the district's affluent voters, including a number of young professionals employed in high-tech industries. Though Californian Ronald Reagan won comfortably here, George Bush barely held the district for the Republicans in 1988. And while moderate Ed Zschau was a popular House member in the 12th, his successor, conservative Ernie Konnyu, was not; GOP primary voters dumped him after one term for Campbell, a more centrist figure.

The district begins along the beach in San Mateo County and moves east across the hills to Hillsborough and Woodside, the wealthiest parts of the Bay Area. Some residents commute to San Francisco by limousine.

But the heart of the 12th is in Santa Clara County, in the southern portion of the electronics and computer corridor known as Silicon Valley. Towns such as Los Altos, Los Altos Hills, Saratoga and Cupertino are home to such high-tech giants as Apple Computer, Hewlett-Packard and Ford Aerospace.

Palo Alto, the home of Stanford University, is a liberal bastion. The city of 56,000, which casts about 10 percent of the district vote, went for Democrat Michael S. Dukakis in 1988 by a 2-to-1 margin.

The 12th reaches into agricultural territory in southern Santa Clara County. Gilroy, which calls itself the "Garlic Capital of the World," is home to the yearly garlic festival. Morgan Hill has begun to see some housing spillover from Silicon Valley. To the east, the district holds a sliver of Santa Cruz County in the San Lorenzo Valley, taking in a chain of small Republican towns.

Population: 525,731. White 452,459 (86%), Black 9,033 (2%), Asian and Pacific Islander 34,163 (6%), Other 2,448 (1%). Spanish origin 51,848 (10%). 18 and over 397,900 (76%), 65 and over 48,834 (9%). Median age: 32.

Committees

Banking, Finance & Urban Affairs (14th of 20 Republicans)
Domestic Monetary Policy; Housing & Community Development; International Development, Finance, Trade & Monetary Policy

Judiciary (11th of 13 Republicans)
Intellectual Property & Judicial Administration; Economic & Commercial Law

Science, Space & Technology (15th of 19 Republicans)
Science; Technology & Competitiveness

Elections

1990 General		
Tom Campbell (R)	125,157	(61%)
Robert Palmer (D)	69,270	(34%)
Chuck Olson (LIBERT)	11,271	(5%)
1988 General		
Tom Campbell (R)	136,384	(52%)
Anna G. Eshoo (D)	121,523	(46%)

District Vote For President

	1988	1984	1980	1976
D	132,918 (49%)	108,069 (41%)	69,206 (31%)	76,856 (42%)
R	133,699 (49%)	148,724 (57%)	114,467 (51%)	102,809 (57%)

Campaign Finance

	Receipts	Receipts from PACs		Expenditures
1990				
Campbell (R)	$1,286,200	$249,581	(19%)	$658,135
Palmer (D)	$109,410	$27,550	(25%)	$103,839
1988				
Campbell (R)	$1,445,770	$239,382	(17%)	$1,440,639
Eshoo (D)	$1,092,766	$422,547	(39%)	$1,089,570

Key Votes

1991	
Authorize use of force against Iraq	Y
1990	
Support constitutional amendment on flag desecration	Y
Pass family and medical leave bill over Bush veto	Y
Reduce SDI funding	Y
Allow abortions in overseas military facilities	Y
Approve budget summit plan for spending and taxing	N
Approve civil rights bill	Y
1989	
Halt production of B-2 stealth bomber at 13 planes	N
Oppose capital gains tax cut	N
Approve federal abortion funding in rape or incest cases	Y
Approve pay raise and revision of ethics rules	Y
Pass Democratic minimum wage plan over Bush veto	N

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	50 †	47 †	69 †	28 †	48	43
1989	56	43	47	51	54	46

† Not eligible for all recorded votes.

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	44	46	27	71
1989	40	50	17	100

22 Carlos J. Moorhead (R)

Of Glendale — Elected 1972'

Born: May 6, 1922, Long Beach, Calif.
Education: U. of California, Los Angeles, B.A. 1943; U. of Southern California, J.D. 1949.
Military Service: Army, 1942-45; Army Reserve, 1945-82.
Occupation: Lawyer.
Family: Wife, Valery Joan Tyler; five children.
Religion: Presbyterian.
Political Career: Calif. Assembly, 1967-73.
Capitol Office: 2346 Rayburn Bldg. 20515; 225-4176.

In Washington: It would surprise some to learn that Moorhead is the second most senior Republican on both the Energy and Commerce and Judiciary committees. In an arena given to powerful wills, his legislative and personal styles are laid back.

But if Moorhead has not used these positions to the extent a more aggressive lawmaker might, he is no work-shirker. A friendly man who has no trouble cooperating with Democrats, he has managed to stake out a few areas of expertise.

On Energy and Commerce, Moorhead's willingness to collaborate with Democrats has helped move legislation on energy policy.

One such partnership was his work during the 99th Congress with Edward J. Markey of Massachusetts, then chairman of the Energy and Power Subcommittee of which Moorhead is the ranking Republican.

Markey and Moorhead worked together on legislation setting energy efficiency standards for appliances, a measure that was supported by a broad coalition of more than 40 groups. Though President Ronald Reagan pocket-vetoed the measure in the 99th Congress (saying it would interfere with the free market), early in the 100th he signed a nearly identical bill into law. In 1986, Moorhead and Markey won passage of a bill, sought by private utility companies, that disallowed the practice of giving public utilities preferences over private utilities in the relicensing of hydroelectric power plants.

Moorhead's relationship with Indiana Rep. Philip R. Sharp, who took over the subcommittee chair in the 100th, has been less fruitful. But the two men have joined forces on some energy measures, even where it meant crossing administration policy.

During the 101st Congress, Sharp and Moorhead successfully defied Bush administration objections to back creation of a federal reserve of refined petroleum products. They were also part of a congressional push to increase spending to help low-income families save energy by weatherizing their homes, a program the administration had proposed cutting.

During deliberations over the 1990 Clean Air Act, Moorhead joined with Markey to sponsor an amendment that would reward utilities for conservation or for using renewable energy sources.

When it comes to nuclear power, however, Moorhead has been more in tune with Republican administrations.

In the 100th Congress, Moorhead continued to represent the interests of the power industry; he pushed for renewal of the Price-Anderson nuclear insurance law, which protects nuclear power producers from the financial consequences of serious nuclear disasters, and he sponsored a provision allowing producers to pay their own legal fees from the insurance fund. Moorhead also opposed an unsuccessful effort by liberals to bar the Nuclear Regulatory Commission from relaxing its rules to allow the Shoreham (N.Y.) and Seabrook (N.H.) nuclear plants to open.

On the Judiciary Committee, Moorhead is typically a reliable vote for the administration and business interests.

When the panel debated legislation on vertical price fixing — which involves manufacturers or distributors setting a minimum price for their products — Moorhead sought unsuccessfully to limit the scope of proposed language that would make it easier for retailers to sue and win a price-fixing suit. Moorhead did win a floor vote to specify that the new legal standards would only apply to cases filed after enactment, however, the overall law did not clear Congress that year.

Moorhead had a similar concern with landmark civil rights legislation passed during the 101st, although it was ultimately vetoed; he narrowly lost a committee battle to make sure that the proposed law would not be retroactive.

Moorhead is the ranking Republican on Judiciary's Subcommittee on Intellectual Property and Judicial Administration, which oversees patent, trademark and copyright law.

California 22

Glendale; Part of Burbank; Part of Pasadena

This stretch of middle- and upper-middle-class communities flanking the San Gabriel Mountains is one of the most Republican districts in the state. George Bush took 64 percent of the 22nd's vote in 1988, one of his higher district percentages in California. Four years earlier, President Ronald Reagan topped 70 percent in the district. Other statewide Republicans, including Gov. George Deukmejian and his successor, former Sen. Pete Wilson, have thrived here.

The bulk of the district is in two legs on the southern flank of the mountains. With a population of 180,000, Glendale is the largest city entirely within the district. Formerly a rather homogeneous bedroom community, Glendale has received an influx of Armenian- and Mexican-Americans in recent years. It has been voting overwhelmingly for Moorhead since he began his political career by running for the state Legislature in 1966.

The vote for Republicans is equally enthusiastic in San Marino, named for a tiny European republic surrounded by Italy. The exclusive California community, with a 1985 per capita income of $33,000, is one of the most affluent in the state.

Arcadia and South Pasadena are more modest, but still well-to-do. Temple City and Monrovia, though, have working-class areas that provide some Democratic votes: Nearly 30 percent of Monrovia's 33,000 residents are black or Hispanic.

The 22nd also includes the more Republican parts of both Burbank and Pasadena. Some of the old mansions of Pasadena — including the Wrigley Mansion, now home office of the Tournament of Roses — are in the district. "Beautiful downtown Burbank" and the middle-class black and Mexican-American areas of Pasadena are not part of the 22nd.

As the district follows the San Gabriels' sweep toward the coast, it picks up the booming city of Santa Clarita, an incorporation of the developments of Newhall and Valencia, in the area whose ranches provided the backdrop for some of the earliest Hollywood westerns. The 22nd's northern end takes in the "high desert" for half of Palmdale, a city whose defense-related industries add to its conservative tone.

Population: 525,939. White 463,633 (88%), Black 9,710 (2%), Asian and Pacific Islander 23,523 (5%), Other 2,913 (1%). Spanish origin 64,641 (12%). 18 and over 403,471 (77%), 65 and over 74,460 (14%). Median age: 35.

During the 100th Congress, Moorhead sponsored the administration version of legislation to implement the Berne Convention, an international agreement protecting artists' intellectual property rights. Although a Democratic bill was passed in lieu of the measure Moorhead offered, the Republican was credited with playing a constructive role. Moorhead also sponsored legislation extending patent law to cover the importation of products made using U.S.-patented processes; provisions to that end ultimately were included in the omnibus trade bill.

In 1986 Moorhead played an important role in the drafting of the Electronic Privacy Act, which was designed to protect new forms of electronic communications, such as electronic mail, against improper interception.

The Justice Department initially opposed changes in wiretap law and was reluctant to participate in talks on the legislation. But Moorhead worked hard to win the administration over, stressing that protection of electronic privacy was important to the business community. The legislation ultimately became law, backed by a broad coalition that included members of both parties, business groups and the American Civil Liberties Union.

Other issues Moorhead has pressed on Judiciary include getting money to hire more border agents for the Justice Department and limiting the political activities of lawyers at the Legal Services Corporation.

During the 101st, Moorhead served on a 15-member study commission appointed by Chief Justice William Rehnquist to survey the heavily burdened federal court system. In April 1990, the committee presented Congress with more than 100 recommendations for change.

Moorhead will never be the most attention-grabbing spokesman for the pro-business philosophy. He rarely speaks in public without reading his material, and he has a tendency to do so with his head nearly touching the paper.

Early in his career, he had an opportunity to be in the spotlight as the Judiciary Committee debated the impeachment of President Richard Nixon in 1974. But he played only a minor role. A staunch defender of the president, he remarked in early 1974 that Nixon "has done a good job considering Congress has spent a million dollars trying to impeach him." When the time came for a vote, Moorhead backed Nixon on every impeachment count, changing his mind only with the

release of the "smoking gun" tape.

At Home: Since entering the political arena in 1966, Moorhead has had an unsullied electoral record. Although a long series of landslide victories ended for Moorhead in 1990, he still won comfortably, with 60 percent of the vote.

Moorhead was raised in Glendale and worked as a lawyer there for 15 years before entering the Legislature. After three terms in Sacramento, he set his sights on Congress.

When eight-term Republican Rep. H. Allen Smith decided to retire from Congress in 1972, Robert H. Finch, a well-connected former adviser to Nixon, thought about running. But he opted against it, and nine candidates entered the GOP primary.

The contest quickly narrowed to two: Moorhead and Dr. Bill McColl, a Covina surgeon who had once played end for the Chicago Bears. Moorhead, who had carried the west side of the district in state Legislature elections, was the favorite of the local party apparatus over McColl, who had narrowly lost a primary to John H. Rousselot in the neighboring 24th District in 1970. The result was an easy nomination for Moorhead, and an even easier general election.

Moorhead's one moment of political concern came in 1982. After that year's redistricting plan dissolved Rousselot's neighboring district, giving part of it to Moorhead, Rousselot toyed with the idea of challenging Moorhead in a primary.

Rousselot was dean of the California Republican delegation, and with a nationwide network of loyal conservative supporters, he would have been a difficult opponent. But Rousselot decided instead to run in the heavily Democratic 30th, where he eventually lost. Moorhead was in the clear.

Committees

Energy & Commerce (2nd of 16 Republicans)
Energy & Power (ranking); Telecommunications & Finance

Judiciary (2nd of 13 Republicans)
Intellectual Property & Judicial Administration (ranking); Economic & Commercial Law

Elections

1990 General

Carlos J. Moorhead (R)	108,634	(60%)
David Bayer (D)	61,630	(34%)
William H. Wilson (LIBERT)	6,702	(4%)
Jan B. Tucker (PFP)	3,963	(2%)

1988 General

Carlos J. Moorhead (R)	164,699	(70%)
John G. Simmons (D)	61,555	(26%)

Previous Winning Percentages: **1986** (74%) **1984** (85%) **1982** (74%) **1980** (64%) **1978** (65%) **1976** (63%) **1974** (56%) **1972** (57%)

District Vote For President

	1988	1984	1980	1976
D	86,732 (35%)	63,874 (26%)	50,770 (23%)	63,493 (31%)
R	158,823 (64%)	175,164 (72%)	147,959 (68%)	137,401 (67%)

Campaign Finance

	Receipts	Receipts from PACs		Expenditures
1990				
Moorhead (R)	$444,157	$231,350	(52%)	$400,109
Bayer (D)	$40,872	$1,975	(5%)	$40,303
1988				
Moorhead (R)	$397,417	$215,165	(54%)	$234,920
Simmons (D)	$18,940	$503	(3%)	$18,046

Key Votes

1991	
Authorize use of force against Iraq	Y
1990	
Support constitutional amendment on flag desecration	Y
Pass family and medical leave bill over Bush veto	N
Reduce SDI funding	N
Allow abortions in overseas military facilities	N
Approve budget summit plan for spending and taxing	N
Approve civil rights bill	N
1989	
Halt production of B-2 stealth bomber at 13 planes	N
Oppose capital gains tax cut	N
Approve federal abortion funding in rape or incest cases	N
Approve pay raise and revision of ethics rules	Y
Pass Democratic minimum wage plan over Bush veto	N

Voting Studies

	Presidential Support		Party Unity		Conservative Coalition	
Year	S	O	S	O	S	O
1990	74	26	93	6	98	2
1989	72	24	88	10	95	2
1988	73	24	98	1	97	0
1987	71	27	91	6	86	12
1986	82	17	92	7	96	4
1985	80	20	96	3	93	5
1984	67	28	91	7	90	7
1983	78	16	92	3	96	2
1982	78	21	92	5	96	3
1981	75	18	91	4	92	4

Interest Group Ratings

Year	ADA	ACU	AFL-CIO	CCUS
1990	6	96	8	86
1989	0	93	0	100
1988	10	96	7	100
1987	4	96	0	100
1986	0	95	7	100
1985	5	90	0	95
1984	0	100	15	87
1983	0	100	0	85
1982	0	96	0	90
1981	5	100	0	94